1 Rachel Steinback, SBN 310700 Carol A. Sobel, SBN 84483 Law Office of Rachel Steinback Monique A. Alarcon, SBN 311650 2 P.O. Box 291253 Law Office of Carol Sobel 3 Los Angeles, CA 90029 725 Arizona Avenue, Suite 300 (t) 213-537-5370 Santa Monica, CA 90401 4 (f) 213-232-4003 (t) 310-393-3055 5 (e) steinbacklaw@gmail.com (e) carolsobel@aol.com (e) monique.alarcon8@gmail.com 6 Attorneys for Plaintiffs. 7 [Additional Counsel on Following Page] 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA 10 OMAR ARNOLDO RIVERA Case No. 5:18-cv-01125-SP MARTINEZ; ISAAC ANTONIO Assigned to: Honorable Sheri Pym 11 LOPEZ CASTILLO; JOSUE VLADIMIR CORTEZ DIAZ; JOSUE 12 PLAINTIFFS' GENUINE DISPUTES MATEO LEMUS CAMPOS: OF MATERIAL FACTS AND MARVIN JOSUE GRANDE 13 RODRIGUEZ; ALEXANDER PLAINTIFFS' ADDITIONAL ANTONIO BÚRGOS MEJIA: LUIS 14 SEPARATE STATEMENT OF PENA GARCIA; JULIO CESAR UNDISPUTED FACTS IN BARAHONA CORNEJO, as 15 individuals, **OPPOSITION TO DEFENDANTS** 16 **DIAZ AND CAMPOS' SEPARATE** Plaintiffs, STATEMENT OF 17 **UNCONTROVERTED FACTS** v. 18 IN SUPPORT OF MOTION FOR The GEO Group, Inc., a Florida SUMMARY JUDGMENT OR, IN THE 19 corporation; the City of Adelanto, a **ALTERNATIVE, PARTIAL** municipal entity; GEO Lieutenant Diaz, 20 SUMMARY JUDGMENT sued in her individual capacity; GEO 21 Sergeant Campos, sued in his individual **Hearing:** Date: December 17, 2019 capacity; Sarah Jones, sued in her 22 Time: 10:00 a.m. individual capacity; The United States Courtroom: 3 23 of America; Correct Care Solutions, Inc.; and DOES 1-10, individuals; 24 Defendants. 25 26 27

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Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56-1 of the Central District of California, Plaintiffs hereby submit their response to Defendants Diaz and Campos Statement of Uncontroverted Facts and their own Separate Statement of Facts in Opposition to Defendant Diaz and Campos's Motion for Summary Judgment.

Plaintiffs refer to Defendants' Exhibits "A" through "M" as filed in their Appendix of Evidence, (Dkt. #108-2, #108-3, #111-2, and #111-3). Plaintiffs refer to Exhibits 1-52, attached to the Declaration of Monique A. Alarcon, filed concurrently with Plaintiffs' opposition to Defendants' Motion to Dismiss.

## RESPONSE TO DEFENDANTS' STATEMENT OF UNCONTROVERTED FACTS

Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
1.	In May 2011, GEO entered into contract with U.S. Immigration & Customs Enforcement (ICE) for the detention and care of immigrant detainees at the Adelanto Detention Facility ("Facility"), which houses immigrant detainees, through an intergovernmental service agreement with the City.	Janecka Decl. ¶¶ 3, 5; Hart Decl. ¶¶ 3-6, 12; Ex. "L" [Agenda Report dated May 17, 2011]; Ex. "M" [2011 Service Agreement].  PLAINTIFFS' RESPONSE Objection. Lacks foundation calls for speculation.  Disputed. At that time it was conflict of interest for GEO to contract with ICE directly. The City of Adelanto signed a contract with ICE and separately contracted with GEO to be the "pass through' for money between them. Ex. 12, Flores Dep. 97:4-14.

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	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
2	No.	FACIS	
3	2.	Thereafter, in June 2019, GEO directly	Janecka Decl. ¶ 3.
4		contracted with ICE to manage and	DI AINTIEEC DECONCE.
5		operate the Facility.	<u>PLAINTIFFS' RESPONSE</u> : Undisputed.
6			
7			
8		Tunana adian afaha ahama afaa di aadian da	Jamasha Davil # 2, Hart Davil
9	3.	Irrespective of the change of parties to the contract, GEO has been solely	Janecka Decl. ¶ 3; Hart Decl. ¶¶ 3-6, 12.
10		responsible for the management and operations of the Facility since May	PLAINTIFFS' RESPONSE:
11		2011.	Objection. Lacks foundation,
12			calls for speculation.
13			Disputed. GEO was a
			subcontractor for the City of
14			Adelanto. Ex. 12, Flores Dep. 36:23-37:2.
15			The City of Adelanto, as
16			service provider, was required
17			to adopt a quality assurance
			surveillance plan. Ex. 12,
18			Flores Dep. 39:2-5. City of Adelanto city council
19			members and staff attended
20			quarterly meetings at the
21			facility where GEO gave them
22			reports on their activities and provided a tour where they
			could observe detainees. Ex.
23			12, Flores Dep. 74:3-8, 75:3-
24			12, 77:2-3.
25			The Sheriff's Department
26			would notify the City of Adelanto of any problems
			with the facility. Ex. 12,
27			Flores Dep. 63:9-11, 64:3-9.
28			The Attorney General's office

3 No.	
4	met with the City of Adelanto to discuss the facility, whether the performance-based national detention standards were being followed, and to discuss deficiencies in healthcare services. Ex. 12, Flores Dep. 44:13-20, 45:3-6, 45:9-15.  Diaz Decl. 12, Ex. "A" [Detainee Handbook]; Ex. "N" [Cornejo Depo.] at 22:18-23:1; Ex. "O" [Campos Depo.] at 38:18-41:19; Ex. "U" [Martinez Depo.] at 34:9-25.  PLAINTIFFS' RESPONSE: Objection. Lacks foundation, calls for speculation, hearsay. Disputed. Defendants rely on Lt. Diaz's general statement that detainees are provided a copy of the detainee handbook when they arrive at the facility. Lt. Diaz, however, has no personal knowledge as to whether Plaintiffs received a copy of the detainee manual when they were processed at intake. Further, several Plaintiffs testified that they did not receive a handbook in their native language, Ex. 23, Castillo Dep. 27:19-28:22, or

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
$_{2}\parallel$	SUF	FACTS	
	No.		
3   4			documents at intake without understanding what they were
5			signing, Ex. 28, Mejia Dep.
6			24:3-25; Ex. 26, Diaz Dep. 16:10-17:9; Ex. 30, Rodriguez
7			Dep. 20:14-21; Ex. 29, Garcia
8			Dep. 20:20-23, 72:24-73:3 ("I am aware that you have to
9			follow the rules, but if you
10			don't know the rules, how would you respect them?
11			That's why we asked for the
12			documentation in our
			language, and that was not given to us.").
13	5.	Irrespective of whether the Plaintiffs read	Ex. "N" [Cornejo Depo.] at
14		the handbook, they all knew that there were multiple times throughout the day	22:18-23:1, 24:15-25:14; Ex. "O" [Campos Depo.] at 38:18-
15		when they had to return to their bunks to	41:19, 42:8-21, 43:4-8, 44:8-
16		be counted by GEO staff and that it was a	45:17, 84:11-25, 104:8-18;
17		direct order to return to their bunks.	Ex. "P" [Castillo Depo.] at 31:19-34:6, 67:9-68:9, 71:21-
18			72:1; Ex. "Q" [Mejia Depo.]
19			at 27:18-23, 29:21-30:8,
20			64:10- 66:10, 68:10-16; Ex. "R" [Rodriguez Depo.] at
21			38:20-:39:11, 48:7-14, 51:22-
22			25, 92:2-14; Ex. "S" [Garcia
			Depo.] at 22:1-13, 38:11-14, 60:6-21; Ex. "T" [Diaz Depo]
23			at 18:9-21, 46:5-20; Ex. "U"
24			[Martinez Depo.] at 34:9-25,
25			37:7-22, 37:21-28:2. <b>PLAINTIFFS'</b>
26			RESPONSE:
27			Objection. Lacks foundation,
28			calls for speculation
11			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3 4			Disputed. A detainee need not be present at their bunk in
5			order to be identified during
6			the procedure known as "count." Detainees can be
7			identified by using their wristbands and comparing it
8			to GEO's face-to-photo book.
9			When detainees are counted in areas outside of the dorm,
10			such as the recreation yard,
11			detainees are simply asked to remain stationary and are
12			counted.
13			Further, officers use a method known as "out count"
14			whenever a detainee is not
15			present at their bunk during count. An "out count" is
16			conducted when a detainee is
17			out in the recreation yard playing sports, if a detainee is
18			meeting with an attorney or in
19			court, or if a detainee is working in the kitchen or as a
20			cleaning member. Ex. 16, Lt.
21			Diaz Dep. 61:11-23, 139:17-140:18; Ex. 18, Jindi Dep.
22			72:11-74:5.
23			Moreover, during the incident giving rise to this lawsuit,
24			LVN Jones testified she asked
25			Lt. Diaz to "escort them or
26			count them there [in the dayroom] or bring them to
27			medical. She [Diaz] said no,
28			they had to comply." Ex. 21,

1 2	Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
3   4			Jones Dep. 98:18-21, 99:1-20.
5	6.	This procedure was/is referred to as	Diaz Decl. ¶¶ 10-13, Ex. "A"
6		"count" and it is a critical time period at the Facility. In short, the officer assigned	[Detainee Handbook - OFFICIAL COUNTS]; Ex.
7		to the dorm will announce that it is time	"N" [Cornejo Depo.] at,
8		for count by using words to the effect of	24:15-25:14; Ex. "Y" [GEO
		"get back to your bunks," "count time,"	Martinez Depo.] at 63:20-
9		or "rack up" approximately ten (10) minutes before the count to allow	64:19; Ex. "Z" [Reyes Depo.] at 164:10-24.
10		detainees time to prepare for count (e.g.	
11		use the restroom). When the detainee	PLAINTIFFS' RESPONSE:
12		returns to his/her bunk for count, this is commonly referred to as "racking up for	Objection. Lacks foundation, calls for speculation.
13		count." The entire count process takes	Disputed. GEO's policy and
14		approximately 30 to 45 minutes. If count	practice of completing
		is not completed within an hour, the	"count" at the facility involves
15		Facility enters an "emergency count" and ICE then becomes involved.	two steps and requires that two officers be present in each
16		Tell then becomes involved.	dorm. First, a dorm officer
17			announces that it is time to
18			"prepare for count" and
19			detainees are given approximately ten minutes to
			return to their bunks. When
20			"count" is announced,
21			detainees return to their
22			bunks, however, the dorm officer does not begin count
23			until a second "utility" officer
24			arrives. Once the utility
			officer arrives, the dorm
25			officer begins counting the detainees while the utility
26			officer stands in the dayroom
27			section of the dorm and
28			monitors. Then, the two

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
	No.		
3			officers switch and the utility
4			officer begins counting. Per
5			GEO policy, the dorm officer
6			cannot begin count until the utility officer is present in the
			dorm. Ex. 18, Jindi Dep.
7			21:3-21, 22:10-23:16, 26:1-
8			10; Ex. 16, Lt. Diaz Dep.
9			302:24-303:12; Ex. 17, Gillon
			Dep. 62:11-24.
10			Just prior to this incident,
11			during the overnight shift that began on June 11, 2017 and
12			ended on the morning of June
			12, 2017, it took one hour and
13			twenty-one minutes to clear
14			count. The evidence
15			demonstrates that count was
16			ultimately cleared without discrepancies or an emergency
			declaration. No evidence
17			indicates that ICE was
18			notified of the delay. Ex. 5,
19			Logbook at GEO05199.
			Moreover, the count process
20			in a single dorm did not take 30 to 40 minutes; two officers
21			could count a single dorm in
22			about 10 minutes. Ex. 20,
23			GEO Martinez Dep. 68:20-
			69:13, 137:13-138:18.
24			LVN Jones testified she asked
25			Lt. Diaz to "escort them or
26			count them there or bring them to medical. She said no,
27			they had to comply." Ex. 21,
			Jones Dep. 98:18-21, 99:1-
28			

Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
		20.
7.	The count procedure is important because it is the mechanism by which the Facility is able to determine whether a detainee has escaped from the Facility.	Diaz Decl. ¶¶ 10-13, Ex. "N" [Cornejo Depo.] at 22:18-23:1, 24:15-25:14; Ex. "Y" [GEO Martinez Depo.] at 63:20-64:19; Ex. "Z" [Reyes Depo.] at 164:10-24.
		PLAINTIFFS' RESPONSE: Undisputed.
		Спизриси.
8.	Plaintiffs also understood that failing to	Ex. "N" [Cornejo Depo.] at
	comply with orders would result in consequences.	22:18-23:1, 24:15-25:14; Ex. "O" [Campos Depo.] at 38:18-
		41:19, 42:8-21, 43:4-8, 44:8-
		45:17, 104:8-18; Ex. "P" [Castillo Depo.] at 31:19-34:6,
		71:21-72:1; Ex. "Q" [Mejia
		Depo.] at 27:18-23, 29:21-30:8, 64:10-66:10, 68:10-16;
		Ex. "R" [Rodriguez Depo.] at
		38:20-:39:11, 48:7-14, 51:22- 25, 92:2-14; Ex. "T" [Diaz
		Depo] at 18:9-21; Ex. "U"
		[Martinez Depo.] at 34:9-25,
		37:7-22, 37:21-28:2.  PLAINTIFFS' RESPONSE:
		Objection. Lacks foundation,
		calls for speculation, hearsay,
		vague and ambiguous as to the term "consequences."
		Disputed. Detainees cannot be
		expected to know how GEO
		officers will react to a hunger
		strike, especially when they are not given manuals in their

1	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
2	No.	PACIS	
3   4			native language. Ex. 23, Castillo Dep. 27:19-28:22; Ex.
5			26, Diaz Dep. 16:10-17:9; Ex. 30, Rodriguez Dep. 20:14-21;
6			Ex. 28, Mejia Dep. 24:3-25;
7			Ex. 29, Garcia Dep. 20:20-23,
8			76:7-11, 72:24-73:3 ("I am aware that you have to follow
9			the rules, but if you don't
			know the rules, how would
10			you respect them? That's why we asked for the
11			documentation in our
12			language, and that was not
13			given to us."). Plaintiffs never imagined the
14			guards would react with force
15			to their peaceful hunger strike.
16			Ex. 26, Diaz Dep. 54:15-17. Even Officer Martinez was
			surprised at being ordered to
17			use force; he had not expected
18			to use force. Ex. 20, GEO
19			Martinez Dep. 90:5-25. LVN Jones testified she asked
20			Lt. Diaz to "escort them or
21			count them there or bring
22			them to medical. She said no, they had to comply." Ex. 21,
23			Jones Dep. 98:18-21, 99:1-
			20.
24			
25			
26			
27			
28			

Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
9.	On or around June 11, 2017, Plaintiffs	Ex. "F" [Video recording] at
	met and prepared a list of	6:22:24 a.m.; Ex. "N"
	demands/grievances to present to GEO	[Cornejo Depo.] at 36:23-
	staff. Thereafter, on June 12, 2017, at	37:20, 42:3-16, 42:25-43:8,
	around 6:22:24 a.m., Plaintiff Castillo	50:8-13; Ex. "O" [Campos
	gave the list of demands that was (1)	Depo.] 78:11-24, 80:9-20,
	written in Spanish and (2) did <u>not</u>	82:2-24, 84:11-25, 85:7-23;
	mention that Plaintiffs were engaging in a	Ex. "P" [Castillo Depo.] at
	"hunger strike" to the dorm officer,	72:2-10, 74:21-75:19, 73:7-
	Officer Gillon, who Plaintiffs knew only	19, 77:5-15 (acknowledging
	spoke English and was unable to read the letter.	Officer Gillon was unable to read or understand the list of
	letter.	demands), 74:21-75:19; Ex.
		"Q" [Mejia Depo.] at 56:2-
		57:6, 61:7-62:25; Ex. "R"
		[Rodriguez Depo.] at 79:16-
		80:14, Ex. 1 [Copy of list of
		demands], 81:4-82:25
		(translating the list of
		demands); Ex. "S" [Garcia
		Depo.] at 34:16-36:5; Ex. "T"
		[Diaz Depo] at 42:16-43:12,
		50:19-51:25, 62:19-63:3; Ex.
		"V" [Gillon Depo] at 14:1-4,
		86:11-20, 142:6-21.
		PLAINTIFFS'
		RESPONSE: Objection. Lacks foundation,
		calls for speculation.
		Disputed. Defendants'
		proffered evidence does not
		support this contention. In
		fact, the evidence cited
		demonstrates that Plaintiff
		Castillo testified that the first
		page of the letter that
		Plaintiffs turned in to Officer

SUF No.  Gillon explained Plaintiffs were beginning a peaceful hunger strike. Ex. 23, Castillo Dep. 73:1-8, 74:21-75:20. The second page of the letter consisted of Plaintiffs' list of grievances and issues they wanted to raise with ICE and GEO officials. Ex. 23, Castillo Dep. 73:20-74:25; Ex. 3, List of Grievances; Ex. F, [Video, Views C-2 and C-4] at 06:22:24 a.m. to 6:23:01 a.m.  Plaintiff Diaz similarly testified that "another sheet of paper was also handed in with the names of the fellow detainees, but I don't know where that sheet of paper ended up. I don't know where that sheet of paper ended up. I don't know what the guard did with it That's where all of our names were on. And that, if I'm not mistaken, that's where it said that we were starting a hunger strike." Ex. 26, Diaz Dep. 78:7-14.  Furthermore, although Plaintiffs recognized that Officer Gillon only spoke Spanish, they asked another detainee to translate for them, as was common practice at the facility and that detainee did. Ex. 16, Lt. Diaz Dep. 119:14-23; 312:18-313:5	1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
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did. Ex. 16, Lt. Diaz Dep. 119:14-23; 312:18-313:5				_
119:14-23; 312:18-313:5				I - I
	27			<u> </u>
	28			122.11. 20, 012.10 013.0

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
			(English-speaking detainees
4			regularly translated for non-
5			English speaking detainees);
6			Ex. 23, Castillo Dep. 74:21-75:20; Ex. 26, Diaz Dep.
6			41:21-42:3, 42:19-25; Ex. 30,
7			Rodriguez Dep. 96:4-7
8			(African detainee informed
			officer they were going to
9			start a hunger strike and
10			wanted to speak to a superior
11			to present their complaints);
			Ex. F, [Video, View C-4] at
12			06:24:29 a.m. to 06:27:31
13			a.m. (demonstrating various detainees approaching Officer
14			Gillon and Plaintiff Rodriguez
			at the podium where they all
15			appear to be reviewing the
16			letter Plaintiffs gave to Officer
17			Gillon).
			Officer Gillon himself
18			testified that he learned of the
19			hunger strike when Plaintiffs
20			gave him their letter. Ex. 17,
			Gillon Dep. 86:11-87:15, 87:25-88:2. Officer Gillon's
21			General Incident Report,
22			which he completed following
23			the incident, confirms the
			same. Ex. 4, General Incident
24			Reports at 1. ("On June 12,
25			2017, at approximately 0625 I
26			officer R. Gillon received a
			letter from a detainee stating
27			that their [sic] going on hunger strike/protest because
28		1	nunger surke/protest because

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3			of ICE I then reported then
4			letter to my supervisor.")
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6 7			
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1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SULLORI
	No.		
3	10.	The list of demands was presented of	Ex. "F" [Video recording] at
4		Officer Gillon after breakfast (the first	6:24 a.m.; Ex. "N" [Cornejo
5		meal that Plaintiffs missed, but did not	Depo.] at 42:3-16, 42:25-43:8;
		inform anyone that they intentionally	Ex. "O" [Campos Depo.] at
6		skipped) and immediately before count, which Plaintiffs knew routinely took	78:5-10, 84:11-25; Ex. "P" [Castillo Depo.] at 65:20-24,
7		place after breakfast. Since Officer Gillon	67:9-68:9; Ex. "Q" [Mejia
8		does not speak Spanish, another detainee	Depo.] at 55:19-20; Ex. "R"
9		was asked to translate the list of demands	[Rodriguez Depo.] at 85:12-
9		(that did not mention a "hunger strike")	86:21, 95:9-7; Ex. "S" [Garcia
10		to Officer Gillon.	Depo.] at 32:12-18; Ex. "T"
11			[Diaz Depo] at 41:21-42:3,
12			42:16-43:12, 46:5-20, 52:21- 53:10, 63:21-64:21; Ex. "U"
			[Martinez Depo.] at 72:17-
13			73:8, 78:24-80:2.
14			PLAINTIFFS' RESPONSE:
15			Objection. Lacks foundation,
			calls for speculation, hearsay.
16			Disputed. Plaintiffs returned
17			their trays to the officers after breakfast without eating any
18			of the food. Ex. 30,
			Rodriguez Dep. 91:15-21.
19			Further, the video evidence
20			demonstrates that Plaintiff
21			Castillo walked up to Officer
22			Gillon twice and handed him
			two separate pieces of paper. The first page of the letter
23			explained Plaintiffs were
24			beginning a peaceful hunger
25			strike. Ex. 23, Castillo Dep.
			73:1-8, 74:21-75:20. The
26			second page of the letter
27			consisted of Plaintiffs list of grievances and issues they
28			grievances and issues they

1 2	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
3	No.		
			wanted to raise with ICE and
4			GEO officials. Ex. 23, Castillo Dep. 73:20-74:25; Ex.
5			3, List of Grievances; Ex. F,
6			[Video, Views C-2 and C-4]
7			at 06:22:24 a.m. to 6:23:01
			a.m.
8			The video evidence
9			demonstrates that Plaintiff Rodriguez, who did his best to
10			communicate with Officer
			Gillon, used the assistance of
11			an English-speaking detainee
12			to translate their letter to
13			Gillon. Ex. 30, Rodriguez
14			Dep. 96:4-7 (African detainee
			informed officer they were going to start a hunger strike
15			and wanted to speak to a
16			superior to present their
17			complaints); Ex. F, [Video,
			View C-4] at 06:24:29 a.m. to
18			06:27:31 a.m. (demonstrating
19			various detainees approaching Officer Gillon and Plaintiff
20			Rodriguez at the podium
21			where they all appear to be
			reviewing the letter Plaintiffs
22			gave to Officer Gillon).
23			
24			
25			
26			
27			
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	efs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
		At around 6:23 a.m., Plaintiff Castillo	Ex. "F" [Video recording] at
.		handed Officer Gillon a second piece of	6:23 a.m.; Ex. "N" [Cornejo
		paper that listed Plaintiffs' names.	Depo.] at 45:15-18, 55:2-7;
		Meanwhile, the other plaintiffs sat at two separate tables in the dayroom of the	Ex. "P" [Castillo Depo.] at 70:25-71:15; Ex. "R"
		dorm to gain attention.	[Rodriguez Depo.] at 148:20-
			24; Ex. "T" [Diaz Depo] at
			63:4-16, 78:2-79:13 (stating
			second piece of paper was a
			list of names)
			PLAINTIFFS' RESPONSE: Objection. Lacks foundation.
			Disputed. The first page of
			the letter explained that
			Plaintiffs were starting a
			peaceful hunger strike and
			were requesting to speak with ICE officials and GEO
			supervisors. Ex. 23, Castillo
			Dep. 73:1-8, 74:21-75:20.
			Plaintiff Diaz testified
			"another sheet of paper was
			also handed in with the names of the fellow detainees, but I
			don't know where that sheet of
			paper ended up. I don't know
			what the guard did with it
			That's where all of our names
			were on. And that, if I'm not mistaken, that's where it said
			that we were starting a hunger
			strike." Ex. 26, Diaz Dep.
			78:7-14.
			The second page of the letter
			consisted of Plaintiffs list of
			grievances and issues they wanted to raise with ICE and
		1	wanted to fulse with ICL and

1	D. e. e.	LINGONEDOVEDED SAAESDAA	EVIDENIELA DV. CVIDDODE
	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		GEO officials. Ex. 23,
4			Castillo Dep. 73:20-74:25; Ex.
			F, [Video, Views C-2 and C-
5			4] at 06:22:24 a.m. to 6:23:01
6			a.m. (demonstrating Plaintiff
7			Castillo handing two sheets of
·			paper to Officer Gillon).
8			Plaintiffs' intentions were
9			simply to be heard and get GEO officers' attention so
10			that they could explain their
			concerns. Ex. 25, Cornejo
11			Dep. 45:6-18, 52:21-54:16.
12	12.	At around 6:29:59 a.m., Officer Jindi	Ex. "F' [Video recording] at
13		arrived to the dorm to relieve Officer	6:29:59 a.m.; Ex. "O"
14		Gillon. Officer Gillon explained to	[Campos Depo.] at 175:6-20
		Officer Jindi that he received papers and that "something" was going on. Officer	("I know that I wasn't complying with the rules.");
15		Jindi instructed him to give the papers to	Ex. "P" [Castillo Depo.] at
16		Lt. Diaz. Thereafter, Officer Jindi	67:9-68:9, 78:7-79:4; Ex. "Q"
17		announced that it was time for count and	[Mejia Depo.] at 67:22-68:1,
		Plaintiffs chose to ignore the order.	70:1-9; Ex. "R" [Rodriguez
18			Depo.] at 92:2-14, 96:8-19;
19			Ex. "S" [Garcia Depo.] at
20			38:11-14; Ex. "T" [Diaz Depo] at 46:5-20; Ex. "U"
			[Martinez Depo.] at 87:1-
21			89:3; Ex. "V" [Gillon Depo]
22			at 90:19-21, 157:8-11, 158:17-
23			20; Ex. "X" [Jindi Depo.] at
			35:9-14, 36:8-37:5, 37:8-19,
24			40:15-20, 58:23-25, 63:8-14.
25			PLAINTIFFS' RESPONSE:
26			Objection. Lacks foundation, calls for speculation.
			Disputed. When Officer Jindi
27			arrived to relieve Officer
28		1	

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		Gillon, she announced that it
4			was time to "prep for count,"
5			meaning that Plaintiffs still had a 10-minute grace period
6			to return to their bunks before
7			count might begin. Ex. 18,
8			Jindi Dep. 38:18-39:3, 40:5- 20. In addition, there was no
			utility officer present at this
9			time and, per GEO policy,
10			Officer Jindi could not begin
11			count. Ex. 18, Jindi Dep. 21:3-21, 60:10-61:21; Ex. 31, Jindi
12			Dep. Exhibit 2 [Video still of
13			view C-1 at 6:30:51 a.m.]; Ex.
14			17, Gillon Dep. 159:5-10; Ex. 16, Lt. Diaz Dep. 309:22-24;
15			Ex. 20, GEO Martinez Dep.
			34:25-35:4, 137:13-138:8
16			(assigned as the utility officer
17			that would verify count on the day of the incident).
18			Other detainees, not involved
19			in the strike, continued to
20			wander around the dayroom area as was normal during the
21			prep for count period. Ex. 18,
			Jindi Dep. 38:18-39:3, 40:5-
22			20; Ex. F, [Video, View C-3]
23			at 06:32:58 (demonstrating that a detainee is in the
24			shower when Lt. Diaz entered
25			the dayroom).
26			
27			
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
	No.		
3	13.	Officer Jindi had no information that	Ex. "O" [Campos Depo.] at
4		there was an alleged hunger strike.	85:7-23, 94:22-95:15; Ex. "Q"
5		Indeed, Plaintiffs admitted that they are guessing that Officer Gillon was	[Mejia Depo.] at 58:15-59:14, 60:11-14, 63:23-25, 67:8-11,
6		informed and knew they were on a	159:7-24 (admitting that the
7		hunger strike.	papers that were given to
.			Officer Gillon did not mention
8			the hunger strike, but he
9			assumes that someone verbally told Officer Gillon);
10			Ex. "R" [Rodriguez Depo.] at
11			95:9-7; Ex. "S" [Garcia
			Depo.] at 38:20-24; Ex. "T"
12			[Diaz Depo] at 50:4-10, 73:7- 14, 77:23-78:3; Ex. "U"
13			[Martinez Depo.] at 78:24-
14			80:2; Ex. "V" [Gillon Depo]
15			at 92:25-93:3 (demonstrating
16			that he was never told verbally of the hunger strike); Ex. "X"
			[Jindi Depo.] at 35:9-14, 36:8-
17			37:5; Ex. "Y" [GEO Martinez
18			Depo.] at 141:4-18.
19			DI AINTELECT DECDONCE.
20			PLAINTIFFS' RESPONSE: Objection. Lacks foundation,
21			calls for speculation.
			Disputed. Defendants'
22			proffered evidence does not
23			support the entirety of this contention. Officer Jindi
24			merely testified that she did
25			not think Officer Gillon
			mentioned a hunger strike.
26			Ex. 18, Jindi Dep. 36:24-37:5.
27			Further, Officer Gillon himself testified that he
28			minson testified that he

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SUITORT
	No.		
3			learned of the hunger strike
4			when Plaintiffs gave him their
5			letter. Ex. 17, Gillon Dep.
			86:11-87:15, 87:25-88:2.
6			Officer Gillon's use General
7			Incident Report, which he
8			completed following the incident, confirms the same.
			Ex. 4, General Incident
9			Reports at 1.
10			Significantly, Lt. Diaz went
11			straight to dorm 2-Charlie
			because she was told
12			detainees were claiming a
13			hunger strike. Ex. 16, Lt.
14			Diaz Dep. 195:6-196:5. Plaintiff Castillo, the
			individual who handed Officer
15			Gillon the letter that indicated
16			Plaintiffs were beginning a
17			peaceful hunger strike,
			testified that another detainee
18			helped them translate the
19			contents of the letter from English to Spanish. Ex. 23,
20			Castillo Dep. 72:19-73:19,
21			74:21-75:20; 75:6-20.
			Similarly, Plaintiff Rodriguez
22			who was at the podium with
23			Plaintiff Castillo testified that
24			the African detainee who
			translated for them informed the officer they were going to
25			start a hunger strike and
26			wanted to speak to a superior
27			to present their complaints.
			Ex. 30, Rodriguez Dep. 96:4-
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		7.
4			Plaintiffs had handed a paper
5			to the officer in charge as to
6			why they were doing the hunger strike. Ex. 24, Campos
7			Dep. 95:8-9.
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1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
$_{2}$	SUF	FACTS	EVIDENTIART SULTORT
	No.	2-1-0-2	
3	14.	Officer Jindi used her radio and requested	Diaz Decl. ¶¶ 9, 14; Campos
4		assistance because Plaintiffs were not	Decl. ¶ 4; Ex. "F" [Video
5		returning to their bunks for count per her order – she did not communicate any	recording] at 6:30:37 to 6:32:51 a.m.; Ex. "R"
6		additional information. In response to	[Rodriguez Depo.] at 96:8-19;
		Officer Jindi's request, at around 6:32:51	Ex. "S" [Garcia Depo.] at
7		a.m., Lt. Diaz arrived to the dorm with	38:15-19; Ex. "T" [Diaz
8		GEO officers, including Officer Gillon,	Depo] at 53:8-24; Ex. "V"
9		Officer Martinez, and Officer Reyes, and LVN Jones.	[Gillon Depo] at 97:15-24, 98:10-14; Ex. "W" [Jones
10			Depo.] at 79:1-25, 80:25-81:5;
11			Ex. "X" [Jindi Depo.] at 37:8-
			19, 40:15-20, 41:12-17,
12			41:22-42:9; Ex. "Y" [GEO
13			Martinez Depo.] at 44:4-12; Ex. "Z" [Reyes Depo.] at
14			76:12-77:5, 77:6-14.
15			PLAINTIFFS' RESPONSE:
			Disputed. Although Officer
16			Jindi testified that she only
17			communicated over her radio
18			that Plaintiffs were refusing to return to their beds, Officer
			Gillon testified that he was
19			aware of Plaintiffs announced
20			hunger strike because of the
21			letter they gave him, and he
22			reported what he knew to the
			first watch supervisor (Lt. Diaz). Ex. 17, Gillon Dep.
23			86:11-87:15, 87:25-88:2,
24			90:19-21, 91:4-11, 94:204,
25			94:12-95:22, 96:2-17, 97: 2-7.
			Further, Lt. Diaz testified that
26			after her morning briefing,
27			while she was in the watch commander's office, an
28			commander somet, an
I	I		

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		officer brought her a list of
4			names involving detainees
5			that were claiming to be on a hunger strike. When Lt. Diaz
6			arrived to the housing unit,
7			officers there informed her that detainees were claiming a
8			hunger strike. Ex. 16, Lt.
9			Diaz Dep. 187:2-9, 188:14-23, 189:12-21.
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16	15.	Before entering the dorm, in addition to the information that Lt. Diaz learned	Diaz Decl. ¶ 9; Ex. "V" [Gillon Depo] at 90:19-21,
17		from Officer Jindi over the radio, she had	157:8-11.
18		the list of Plaintiffs' names that were	PLAINTIFFS' RESPONSE:
19		written on the second piece of paper and was informed that Plaintiffs were	Objection. Lacks foundation, vague as to term
20		threatening to start a hunger strike if their	"threatening."
21		demands were not met.	Disputed. Although Officer Gillon testified that he could
22			not remember what he did
23			with the letter, Lt. Diaz testified at her deposition that
24			she entered the dorm with the
25			letter which indicated the names of Plaintiffs "claiming
26			to be on a hunger strike." Ex.
27			16, Lt. Diaz Dep. 321:17-19 (emphasis added). The video
28			evidence further demonstrates

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		that the letter consisted of two
4			sheets of paper. Ex. F,
5			[Video, View C-3] at 06:33:65 a.m. and 06:35:48 a.m.
6			(demonstrates Lt. Diaz
7			handing papers to another GEO officer who later flips
8			between the two sheets of
9			paper). Moreover, Plaintiffs have
10			testified that the letter
11			consisted of both: (1) their names and their announced
12			hunger strike; and (2) their list
13			of grievances and reasons for beginning a hunger strike. Ex.
14			23, Castillo Dep. 73:1-8,
15			74:21-75:20
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Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
16.	When Lt. Diaz, the GEO officers, and	Ex. "F" [Video recording] at
	LVN Jones arrived to the dorm at around	6:32 to 6:33:09; Diaz Decl. ¶¶
	6:32 a.m., Plaintiffs were seated at two	14-17; Ex. "N" [Cornejo
	tables in the dayroom of the dorm and	Depo.] at 73:13-16; Ex. "O"
	refused to go to their bunks for count.	[Campos Depo.] at 93:4-21; Ex. "P" [Castillo Depo.] at
	Then, Lt. Diaz asked Plaintiffs to go to their bunks for count in a stern tone. In	78:7-79:4; Ex. "Q" [Mejia
	response, Plaintiffs stated that they	Depo.] at 67:22-68:1, 68:10-
	wanted to speak to ICE. Because	16, 70:1-9; Ex. "V" [Gillon
	Plaintiffs were not responding to Lt. Diaz	Depo] at 98:24-99:2, 160:15-
	commands (and in some cases, not even	161:3; Ex. "W" [Jones Depo.]
	paying attention to her), she asked GEO	at 88:21-89:12, 93:11-22; Ex.
	officers to translate, which they did.	"Y" [GEO Martinez Depo.] at
		54:10-17; Ex. "Z" [Reyes
		Depo.] at 79:12-80:5, 86:9-20, 94:1-22.
		<b>PLAINTIFFS' RESPONSE</b> :
		Objection. Lacks foundation,
		calls for speculation, vague as
		to the term "stern."
		Disputed. Plaintiffs provided GEO staff their letter
		explaining their announced
		hunger strike, their reasons for
		beginning one, and that they
		wanted to speak with ICE
		officials and GEO
		supervisors. Ex. 23, Castillo
		Dep. 72:19-73:19, 74:21-
		75:20; 75:6-20.
		While some Plaintiffs might have understood that Lt. Diaz
		was indicating they should
		return to their beds, Lt. Diaz
		entered the dorm and
		approached Plaintiffs while
		displaying a canister of OC

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		gnray in a threatening manner
4			spray in a threatening manner and shouting in English. Ex.
			23, Castillo Dep. 79:21-80:9.
5			Lt. Diaz testified that when
6			she got to the dorm the "dorm
7			officer said they detainees
8			won't rack up. They were on hunger strike." Ex. 16, Lt.
			Diaz Dep. 196:3-5.
9			LVN Jones testified that Lt.
10			"Diaz just kept yelling and
11			shaking her can [of OC
12			spray]". Ex. 21, Jones Dep. 97:6-7.
			Due to the hostility of the
13			situation, Plaintiffs were
14			afraid to get up from the
15			tables. Ex. 30, Rodriguez Dep.
16			141:21-142:5, 142:13-21, 143:4-7; Ex. 23, Castillo Dep.
			144:3-18; Ex. 25, Cornejo
17			Dep. 63:24-65:2.
18			Lt. Diaz's testimony
19			demonstrates that she did not
20			enter the room with the intent to understand Plaintiffs'
			concerns, rather she entered
21			the dorm displaying the OC
22			spray to prepare for something
23			to "pop off." Ex. 16, Lt. Diaz
24			Dep. 319:2-24. Although Defendants assert that Lt.
			Diaz asked officers to
25			translate for her, while
26			reviewing the incident video
27			up to 06:37:47 a.m., Lt. Diaz
28			testified that she had not yet
20			

SUF No.    SUF No.   Sive no.   S	1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
No.  given the officers any directives. Ex. 16, Lt. Diaz Dep. 335:18-336:25. At 06:38:04 a.m., however, the video evidence demonstrates that officers began placing their hands on detainees at Table A. Ex. F, [Video, View C-3] at 06:37:47 a.m to 06:38:04 a.m.  Officer Martinez did not understand that force was about to be used and did not give a warning to that effect. Ex. 20, GEO Martinez Dep. 90:5-25 (Officer Martinez came to talk to the detainees and did not expect the use of force); 96:7-21 (Officer Martinez did not explain what pepper spray was or warn them that it could be used); Officer Reyes testified that he can "barely speak Spanish" and only "very rarely" spoke Spanish in the facility. Ex. 16, Reyes Dep. 43:7-14. The other officers who were present did not speak Spanish. Ex. 17, Gillon Dep. 14:1-4; Ex. 16, Lt. Diaz Dep. 120:4-12, (Reyes and Martinez were the only officers involved in the confrontation avoidance who spoke Spanish).	2	SUF		
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that officers began placing their hands on detainees at Table A. Ex. F, [Video, View C-3] at 06:37:47 a.m to 06:38:04 a.m.  Officer Martinez did not understand that force was about to be used and did not give a warning to that effect. Ex. 20, GEO Martinez Dep. 90:5-25 (Officer Martinez Dep. 90:5-25 (Officer Martinez Came to talk to the detainees and did not expect the use of force); 96:7-21 (Officer Martinez did not expect the use of force); 96:7-21 (Officer Martinez did not expect the use of force); 96:7-21 (Officer Martinez did not expect the use of force); 96:7-21 (Officer Reyes testified that he can "barely speak Spanish" and only "very rarely" spoke Spanish in the facility. Ex. 16, Reyes Dep. 43:7-14. The other officers who were present did not speak Spanish. Ex. 17, Gillon Dep. 14:1-4; Ex. 16, Lt. Diaz Dep. 120:4-12, (Reyes and Martinez were the only officers involved in the confrontation avoidance who spoke Spanish).	6			
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the confrontation avoidance who spoke Spanish).  27	24			12, (Reyes and Martinez were
the confrontation avoidance who spoke Spanish).  27	25			•
27				
				wno spoke Spanish).
28	27			
	28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SUFFORT
	No.		
3	17.	Throughout the incident, GEO Officers	Ex. "F" [Video recording] at
4		Martinez, who speaks Spanish fluently,	6:37:06 to 6:37:49, 6:43:17;
5		and Reyes unsuccessfully tried to	Ex. "V" [Gillon Depo] at
6		negotiate and reason with Plaintiffs. They explained that ICE was not present at the	163:21-25, 164:1-4; Ex. "Y" [GEO Martinez Depo.] at
		Facility; thus, Plaintiffs should return to	13:6-12, 45:12-25, 46:21-
7		their bunks for count and revisit their	47:4, 47:5-9, 60:7-61:13,
8		strike/protest after count, when ICE was	61:21-63:19, 65:4-18, 72:6-
9		present. But, Plaintiffs refused and	73:8, 94:23-95:8, 99:17-
		repeated they wanted to see ICE.	100:18; Ex. "Z" [Reyes
10			Depo.] at 92:10-24, 147:13-18; 149:2-150:25, 164:7-25;
11			183:19-24.
12			
13			PLAINTIFFS' RESPONSE:
14			Objection. Lacks foundation,
			calls for speculation.  Disputed. Defendants rely on
15			GEO officers' testimony
16			explaining that they spoke to
17			and negotiated with Plaintiffs
18			in Spanish. The officers
			themselves provided contradictory testimony.
19			Officer Reyes testified that he
20			does not speak Spanish, he
21			spoke to Plaintiffs in English,
22			and does not remember
			anyone speaking to them in Spanish. Ex. 16, Reyes Dep.
23			148:24-149:1, 150:17-25,
24			159:12-20. Officer Reyes
25			himself explained that he can
26			"barely speak Spanish" and
			only "very rarely" spoke Spanish in the facility. Ex. 16,
27			Reyes Dep. 43:7-14.
28			

			1
1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		0.66
			Officer Martinez did not understand that force was
4			about to be used and did not
5			give a warning to that effect.
6			Ex. 20, GEO Martinez Dep.
7			90:5-25 (Officer Martinez
0			came to talk to the detainees
8			and did not expect the use of
9			force); 96:7-21 (Officer Martinez did not explain what
10			pepper spray was or warn
			them that it could be used);
11			62:2-63:19 (Officer Martinez
12			only asked Plaintiffs what was
13			going on and told them they
1.4			needed to return to their bunks
14			for count) Plaintiff Castillo testified that
15			only one officer spoke to them
16			in Spanish and that officer
17			refused to listen to anything
			Plaintiffs said, refused to
18			engage in any discussion
19			whatsoever about what
20			Plaintiffs were doing or why,
			and only said that Plaintiffs "did not want to do this." Ex.
21			23, Castillo Dep. 82:17-83:5.
22			Plaintiff Campos does not
23			recall any officers speaking to
			them in Spanish. Ex. 24,
24			Campos Dep. 91:25-92:5,
25			94:1-3.
26			GEO personnel did not respond to the hunger strike
			by trying to negotiate calmly
27			with Plaintiffs in their native
28	<del>'</del>		,

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SUITORT
	No.		
3			language. Plaintiff Campos
4			testified, Lt. Diaz
5			"immediately started gassing
6			us with the pepper, and then the officers were grabbing
			us they did not act in a
7			professional manner we
8			weren't fighting, we weren't
9			breaking things, we were
10			just sitting down She didn't
			look for not even a mediator, someone who spoke Spanish."
11			Ex. 24, Campos Dep. 92:8-24.
12			Plaintiff Rodriguez testified
13			he did not hear any orders,
			they spoke to them in English
14			the whole time and "they just
15			let the angry lady in white [Lt. Diaz] handle the problem."
16			Ex. 30, Rodriguez Dep. 142:7-
17			8, 144:14-18.
			Plaintiff Cortez testified that
18			they asked the other detainee
19			to translate for them and to,
20			"[t]ell [the guard] that we are handing him this sheet of
21			paper, that we're going to do a
			peaceful hunger strike because
22			we want to speak to an ICE
23			officer." Ex. 26, Diaz Dep.
24			43:10-13. Further, Plaintiffs explained
			that they wanted to speak with
25			someone in charge, including
26			GEO supervisors and ICE.
27			Ex. 23, Castillo Dep. 73:1-6;
28			Ex. 25, Cornejo Dep. 36:3-16.

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIANT SOLI ON
	No.	212022	
3	18.	Plaintiffs admitted that they knew Lt.	Ex. "N" [Cornejo Depo.] at
4		Diaz and the responding GEO officers	73:13-16; Ex. "P" [Castillo
5		ordered them in English and Spanish to	Depo.] at 78:7-79:4, 80:1-
5		return to their bunks and/or leave the	81:3, 82:17-83:20, 84:7-14,
6		tables. They also understood that there	84:18-25; Ex. "Q" [Mejia
7		would be consequences, including the use	Depo.] at 70:1-71:25, 73:16-
0		of OC spray, for their decision to ignore	18; Ex. "R" [Rodriguez
8		the commands	Depo.] at 97:2-16; Ex. "U"
9			[Martinez Depo.] at 87:1-89:3. <b>PLAINTIFFS' RESPONSE</b> :
10			Objection. Lacks foundation,
			calls for speculation, vague as
11			to the term "consequences."
12			Disputed. Defendants'
13			proffered evidence does not
			support the entirety of this
14			contention. Plaintiffs
15			maintain that the only thing
16			that was said to them, and what they understood, was
			"cuenta" or "count" and that
17			they "did not want to do this."
18			Ex. 23, Castillo Dep. 82:17-
19			83:5; Ex. 25, Cornejo Dep.
			47:18-48:11; Ex. 26, Diaz
20			Dep. 46:14-25. Further, given
21			the hostile situation, Plaintiffs
22			were afraid to get up from the
			tables for fear of provoking
23			the officers. Ex. 30, Rodriguez Dep. 141:21-142:5, 142:13-
24			21, 143:4-7; Ex. 23, Castillo
			Dep. 144:3-18; Ex. 25,
25			Cornejo Dep. 63:24-65:2.
26			Plaintiffs were shocked by the
27			officers' reaction and scared
			that if they got up the other
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		Plaintiffs would be hurt
4			worse. Ex. 24, Campos Dep.
5			92:3-93:3, 94:6-7, 96:6-17, 97:8-12, 103:11-20, 105:1-7;
6			Ex. 30, Rodriguez Dep.
7			141:21-142:5, 142:13-21.
			Plaintiffs did not anticipate
8			they would be attacked and
9			pepper sprayed for remaining at the tables. Ex. 30,
10			Rodriguez Dep. 94:2-7.
11			While Plaintiff Castillo
12			explained that he understood from Lt. Diaz's conduct that
			they might be pepper sprayed
13			if they did not return to their
14			beds, he tried to explain to the
15			officer who said "you don't want to do this" what
16			Plaintiffs' intentions were, but
17			the officer refused to listen.
			Immediately after, the officers
18			began assaulting Plaintiffs.
19			Ex. 23, Castillo Dep. 84: 18-85:15, 142:24-143:7, 143:20-
20			144:2.
21			Plaintiffs never imagined the
22			guards would react with force
			to their peaceful hunger strike. Ex. 26, Diaz Dep. 54:15-17.
23			Plaintiff Campos testified, "I
24			thought there would be
25			consequences, but not like
26			those that occurred to us. They went overboard." Ex.
27			24, Campos Dep. 104:16-18.
28			

$_{1}\parallel$	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SOLITORI
	No.		
3	19.	Significantly, Plaintiffs also admitted	Ex. "O" [Campos Depo.] at
4		they had no intention of complying with	97:5-12, 103:11-104:6; Ex.
5		the commands unless force was used as this would help them garner more	"T" [Diaz Depo] at 83:2-3 ("Because we were already
6		attention for their strike.	there. We needed to fight for
7			it, to struggle, to be heard.")
			PLAINTIFFS' RESPONSE:
8			Disputed. Defendants' proffered evidence does not
9			support this contention.
10			Plaintiffs were shocked by the
11			officers' reaction and scared
12			that if they got up the other Plaintiffs would be hurt
13			worse. Ex. 24, Campos Dep.
			92:3-93:3, 94:6-7, 96:6-17,
14			97:8-12, 103:11-20, 105:1-7.
15			Plaintiffs were scared to get up from the tables. Ex. 30,
16			Rodriguez Dep. 141:21-142:5,
17			142:13-21; 143:4-7.
18			Plaintiffs never imagined the
			guards would react with force to their peaceful hunger strike.
19			Ex. 26, Diaz Dep. 54:15-17.
20			Plaintiffs' main objective for
21			their hunger strike was simply
22			to be heard. Ex. 25, Cornejo Dep. 41:11-16, 45:6-18.
23	20.	Importantly, during the entire time that	Ex. "O" [Campos Depo.] at
		Plaintiffs ignored the commands from Lt.	94:22-95:15.
24		Diaz and GEO officers, at least one plaintiff admitted that they did not tell Lt.	PLAINTIFFS' RESPONSE:
25		Diaz they were on a hunger strike.	Objection. Lacks foundation,
26			calls for speculation,
27			relevance.
28			Disputed: Lt. Diaz went

1	Defs'	LINICONTROVEDTED MATERIAL	EMBENITIA DV CLIDDODT
	SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
2	No.		
3			straight to dorm 2-Charlie
4			because she was told
5			detainees were claiming a
			hunger strike. Ex. 16, Lt.
6			Diaz Dep. 195:6-25. Plaintiff Castillo, the
7			individual who handed Officer
8			Gillon the letter that indicated
9			Plaintiffs were beginning a
			peaceful hunger strike,
10			testified that another detainee
11			helped them translate the contents of the letter from
12			English to Spanish. Ex. 23,
13			Castillo Dep. 72:19-73:19,
			74:21-75:20.
14			Similarly, Plaintiff Rodriguez
15			who was at the podium with Plaintiff Castillo testified that
16			the African detainee who
17			translated for them informed
			the officer they were going to
18			start a hunger strike and
19			wanted to speak to a superior to present their complaints.
20			Ex. 30, Rodriguez Dep. 96:4-
21			7.
			Plaintiffs had handed a paper
22			to the officer in charge as to
23			why they were doing the hunger strike. Ex. 24, Campos
24			Dep. 95:8-9.
25			LVN Jones testified that Lt.
			"Diaz just kept yelling and
26			shaking her can [of OC
27			spray]". Ex. 21, Jones Dep. 97:7.
28			71.1.

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
	No.		
3	21.	After giving numerous commands, at	Diaz Decl. ¶ 18; Ex. "F"
4		around 6:38:01, four officers (including	[Video recording] at 6:38:00
5		Officers Gillon, Reyes and Martinez)	to 6:38:52; Ex. "V" [Gillon
		removed Plaintiffs Martinez and	Depo] at 105:21-106:23,
6		Rodriguez from Table A by pulling Plaintiffs Martinez and Rodriguez by	110:1-6, 112:3-15, 113:2-5, 164:22-25, 166:6-24.
7		their arms.	104.22-23, 100.0-24.
8		their uring.	PLAINTIFFS' RESPONSE:
9			Objection. Lacks foundation,
			calls for speculation.
10			Disputed. Plaintiff Martinez
11			testified that Lt. Diaz
12			approached him while he was seated at the table stretched
			out her arm, and sprayed him.
13			Ex. 27, Martinez Dep. 90:24-
14			91:11, 93:10-20. The officers
15			grabbed Plaintiff Martinez and
			injured him while doing so.
16			Ex. 27, Martinez Dep.9 4:15-
17			95:5; Ex. 49, Turk Decl.
18			The video evidence demonstrates most of this
			interaction, but the details are
19			not captured by the grainy
20			video footage and Plaintiffs
21			Martinez and Rodriguez are
			largely obstructed by the
22			officers. Ex. F, [Video, View
23			C-3] at 06:38:01 a.m. to 06:38:38 a.m.
24			Plaintiff Rodriguez, who was
25			seated next to Plaintiff
			Martinez, likewise testified
26			that Lt. Diaz initially sprayed
27			the OC spray three or four
28			times and that the officers hit

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	E VIDENTIMAT SCIT OKT
	No.		
3   4			him in the ribs. Ex. 30, Rodriguez Dep. 145:24-25,
5			152:22-24.
6	22.	Instead of complying, Plaintiffs Martinez	Diaz Decl. ¶¶ 18, 47; Ex. "F"
7		and Rodriguez grabbed on to each other, which forced the officers to physically	[Video recording] at 6:38:01 to 6:38:52; Ex. "R"
8		separate them. The officers separated the	[Rodriguez Depo.] at 101:7-
		two plaintiffs at around 6:38:50 without	23, 102:4-19; Ex. "V" [Gillon
9		striking, punching, or kicking them; the	Depo] at 167:6-16; Ex. "W"
10		officers simply pulled them apart.	[Jones Depo.] at 110:11-21;
11			Ex. "Y" [GEO Martinez
			Depo.] at 88:25-89:2.
12			PLAINTIFFS' RESPONSE:
13			Objection: Lacks foundation,
14			calls for speculation.
			Disputed. After watching the
15			video numerous times, Lt.
16			Diaz testified that she sprayed
17			Plaintiffs at table A while they
			were being restrained by
18			officers, at her direction. After a break requested by Lt.
19			Diaz's counsel, Lt. Diaz
20			changed her testimony and
21			instead stated that she did not
			spray any of the Plaintiffs at
22			table A. Ex. 16, Lt. Diaz Dep.
23			Dep. 342:3-343:6, 343:16-347:23. The video evidence
24			demonstrates Lt. Diaz aims
			her OC spray at Plaintiffs
25			while they were being
26			restrained by the group of
27			officers followed by Plaintiffs agonizing over the OC spray
28			pain. Ex. F, [Video, Views C-

1		T	
1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		1 1021 (22004)
4			1 and C-3] at 6:38:04 to 6:38:28.
4			Plaintiff Martinez's testimony
5			confirms the same. Ex. 27,
6			Martinez Dep. 90:24-91:11,
7			93:10-20.
.			Plaintiff Rodriguez, who was
8			seated next to Plaintiff
9			Martinez, likewise testified
10			that Lt. Diaz initially sprayed the OC spray three or four
			times and that the officers hit
11			him in the ribs. Ex. 30,
12			Rodriguez Dep. 145:24-25,
13			152:22-24.
			Plaintiffs Mejia and Castillo,
14			who were sitting at table B,
15			testified that Lt. Diaz sprayed Plaintiffs at Table A before
16			sprayed them at Table B. Ex.
17			28, Mejia Dep. 75:19-76:13.
			Ex. 23, Castillo Dep. 91:13-3.
18	23.	Plaintiff Rodriguez was escorted out of	Diaz Decl. ¶¶ 18, 26, 47; Ex.
19		the dorm by two officers without issue at	"F" [Video recording] at
20		around 6:39 a.m. While Plaintiff Rodriguez claims he was struck and	6:38:54 to 6:39; Ex. "R" [Rodriguez Depo.] at 98:11-
		sprayed with OC numerous times while	21, 99:7-9, 101:7-23, 103:3-6,
21		in the dorm room, the uncontroverted	105:2-11, 114:3-10, 152:12-
22		video evidence and his alleged injuries	24, 153:7-10; Ex. "W" [Jones
23		demonstrates otherwise.	Depo.] at 110:11-21.
24			PLAINTIFFS' RESPONSE:
25			Objection. Lacks foundation, calls for speculation, improper
26			conclusion.
27			Disputed: Defendants admit
			this fact is disputed. Plaintiff
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		Rodriguez testified that Diaz
4			initially sprayed the OC spray
5			three or four times. Ex. 30, Rodriguez Dep. 152:22-24. Lt
6			Diaz's own testimony is
7			inconsistent. Ex. 16, Lt. Diaz
8			Dep. 342:3-343:6, 343:16-347:23.
9			Plaintiff Rodriguez further
			testified that the officers hit
10			him in the ribs. Ex. 30, Rodriguez Dep. 145:24-25.
11			The officers also forced his
12			arms up, injuring his
13			shoulders. Ex. 30, Rodriguez
14			Dep. 153:2-4. The officers pushed Plaintiff Rodriguez,
			making him hit a wall. Ex. 30,
15			Rodriguez Dep. 109:24-110:7,
16			130:19-25.
17			Plaintiff Rodriguez tried to communicate to the nurse that
18			his ears and head were injured
19			and he had scratches on his
20			arm. Ex. 30, Rodriguez Dep. 176:17-20.
			The video evidence
21			demonstrates most of this
22			interaction, but the details are
23			not captured by the grainy video footage and there is no
24			video footage and there is no video footage of Plaintiff
25			Rodriguez in the hallway. Ex.
26			F, [Video, View C-3] at
			06:38:01 a.m. to 06:38:38 a.m.
27			
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	24.	Additionally, Plaintiff Rodriguez claims	Ex. "R" [Rodriguez Depo.] at
4		that once he was outside the dorm room, unknown GEO personnel pushed him	107:5-108:23, 114:3-10; Ex. "W" [Jones Depo.] at 163:20-
5		into a wall. Again, his injuries demonstrate otherwise.	24; SAC ¶ 11-12
6 7		demonstrate otherwise.	(demonstrating Plaintiff Martinez allegedly lost his
8			tooth). PLAINTIFFS' RESPONSE:
9			Objection. Lacks foundation,
10			calls for speculation.  Disputed: Defendants admit
11			this fact is disputed.
12			Guards pushed Mr. Rodriguez, making him hit his
13			face on a wall. Ex. 30,
14			Rodriguez Dep. 109:24-110:7, 171:22-24, 172:8-12.
15			Plaintiff Rodriguez tried to communicate to the nurse that
16			his ears and head were injured
17			and he had scratches on his arm. Ex. 30, Rodriguez Dep.
18			176:17-20.
19			
20			
21			
22			
23			
24			
25			
26			
27			
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1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
	No.		
3	25.	Plaintiff Martinez, however, continued to	Diaz Decl. ¶ 18; Ex. "F"
4		actively resist after being separated from	[Video recording] at 6:38:55
5		Plaintiff Rodriguez by digging his heels	to 6:39:07; Ex. "T" [Diaz
		into the ground. As Officers Martinez	Depo] at 83:17-23; Ex. "V"
6		and Gillon tried to escort him out past	[Gillon Depo] at 168:15-19;
7		Table B, he grabbed on to Plaintiff Diaz, who was seated at Table B. The officers	Ex. "U" [Martinez Depo.] at 89:10-91:19, 93:4-94:6,
8		separated the two men by pulling	94:11-95:5; Ex. "Y" [GEO
		Plaintiff Martinez off of Plaintiff Diaz.	Martinez Depo.] at 74:7-
9			75:14, 75:22-76:1, 79:22-80:2,
10			80:6-21, 80:22-81:24, 84:2-
11			85:16, 87:20-88:24, 88:25-
			89:2, 89:3-4; Ex. "W" [Jones
12			Depo.] at 110:11-21. <b>PLAINTIFFS'</b>
13			RESPONSE:
14			Objection: Lacks foundation,
15			calls for speculation, vague as
			to term "actively resist"
16			Disputed. Defendants'
17			proffered evidence does not
18			support the entirety of this
			contention. No GEO officer testified that Plaintiff
19			Martinez dug his heels into
20			the ground. The officers
21			merely testified that Plaintiff
			Martinez was resisting.
22			Moreover, the citations to
23			Plaintiff Diaz's and Nurse
24			Jones's depositions do not
			support this contention. Nurse Jones consistently testified
25			that she could not see how the
26			guards handled Plaintiffs, that
27			she could not clearly see what
			was happening, that she did
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		not remember any specific
4			actions relating to Plaintiff
5			Martinez, and that she was "paying more attention to the
6			background with the other
7			detainees." Jones Dep. 110:8-
			111:24.
8			Officer Martinez, however, could not remember whether
9			he or anyone else had given
10			Plaintiff Martinez any verbal
11			commands. He also testified
12			that he had not tried to use "pressure points" on Plaintiff
			Martinez before attempting to
13			remove him from the table.
14			Ex. 20, GEO Martinez Dep.
15			74:15-21, 75:13-76:7, 76:20-
16			77:19, 78:2-7; Ex. 17, Gillon Dep. 164: 23-165:3, 166:22-
17			167:1 (could not remember
			whether he gave more than
18			one command to "get up" at
19			this point). Plaintiff Martinez was not striking or elbowing
20			officers while they were using
21			force on him. Ex. 20, GEO
			Martinez Dep. 74:4-21.
22			Plaintiff Martinez does not
23			dispute that he tried to hold on to his friend because he could
24			not see and was in pain from
25			the OC spray. Ex. 27,
26			Martinez Dep. 102:1-5.
27			
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No. 26.	Plaintiff Martinez continued to resist and	Ex. "F" [Video recording] at
4	20.	struggle the entire time the officers were	6:39:05 to 6:39:23.
5		trying to escort him out of the dorm,	PLAINTIFFS' RESPONSE:
6		which is depicted on the video recording from 6:39:05-6:39:23 a.m.	Objection. Vague as to resist.  Disputed. Plaintiff Martinez
7			testified that after being
8			sprayed with OC spray at close range, he was grabbed
9			and mistreated by two officers
			as they drug him out of the
10			dorm with his arms behind his back. The officers slammed
11			him against the wall in the
12			hallway, knocking out his tooth and dental crown. Ex.
13			27, Martinez Dep. 93:10-96:8,
14			99:19-100:17.
15			Plaintiff Martinez's medical records demonstrate that
16			immediately after the incident,
17			he complained of a missing tooth and injured right
18			shoulder. Ex. 7, Plaintiffs'
19			Medical Reports at 3. At the
20			time, he could not feel the pain in his nose due to the
21			overwhelming burning
22			sensation caused by the OC spray. Ex. 27, Martinez
23			Dep.102:1-16.
24			
25			
26			
27			
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SUFFORT
	No.		
3	27.	While Plaintiff Martinez alleges he was	Diaz Decl. ¶¶ 20, 26; Ex. "F"
4		sprayed while outside the dorm by a	[Video recording]; Ex. "U"
5		blonde woman and two other unknown	[Martinez Depo.] at 105:9-
		GEO supervisors, the video demonstrates Lt. Diaz did not leave the dorm after	107:24.
6		Plaintiff Martinez was escorted out.	PLAINTIFFS' RESPONSE:
7		Training was escorted out.	Objection. Calls for
8			speculation.
9			Disputed. Defendants admit
10			this fact is disputed and misstate Plaintiff Martinez's
			testimony. While Plaintiff
11			Martinez testified that Lt.
12			Diaz sprayed him in the hall
13			all over his body, once he was
14			taken out of the dorm, he could not clearly see who was
			deploying OC spray in this
15			instance, but knew that Lt.
16			Diaz had previously sprayed
17			him. Ex. 27, Martinez Dep.
18			102:1-5 (testifying that after being sprayed, he was trying
			to open his eyes to see what
19			was happening).
20	28.	Additionally, there was no OC spray	Ex. "U" [Martinez Depo.] at
21		deployed outside of the dorm or while	105:9-107:24; Ex. "Y" [GEO
22		any plaintiff was restrained by an officer.	Martinez Depo.] at 84:20-85:7; Ex. "Z" [Reyes Depo.]
			at 117:11-18.
23			
24			PLAINTIFFS' RESPONSE:
25			Objection. Calls for
26			speculation.  Disputed. Whether Lt. Diaz
27			deployed OC spray while
			Plaintiffs Martinez and
28			

1	D 0.4		
	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
2	No.	FACIS	
3	110.		Rodriguez were restrained by
4			a group of officers is a
5			question of fact that is
			disputed by her own
6			testimony. Ex. 16, Lt. Diaz Dep. Dep. 342:3-343:6,
7			343:16-347:23 (testifying that
8			she sprayed Plaintiffs at table
9			A while they were being
			restrained by officers, and
10			later recanting her testimony after a break requested by Lt.
11			Diaz's counsel). Ex. F, [Video,
12			Views C-1 and C-3] at
13	20	XXII '1 .1 .CC'	6:38:04 to 6:38:28.
14	29.	While the officers were escorting Plaintiffs Martinez and Rodriguez out of	Diaz Decl. ¶¶ 19- 20, 22; Ex. "F" [Video recording] at
		the dorm, Plaintiffs Cornejo, Castillo,	6:39:32; Ex. "T" [Diaz Depo]
15		Mejia, Diaz, and Campos (seated at Table	at 81:20-25; Ex. "P" [Castillo
16		B) interlocked their arms and tethered	Depo.] at 86:6-87:24; Ex. "V"
17		their feet around the legs of Table B to make it more difficult for the officers to	[Gillon Depo] at 104:24- 105:5.
18		remove them from the table – i.e.	103.3.
19		Plaintiffs were actively resisting – and	<b>PLAINTIFFS' RESPONSE</b> :
		Plaintiff Garcia moved from Table A to	Objection. Calls for
20		Table B and sat next to Plaintiff Campos.	speculation, vague as to the term "tethered"
21			Disputed. Plaintiffs seated at
22			Table B only linked arms after
23			Lt. Diaz sprayed the detainees
24			at Table A, yelled at Plaintiffs in a threatening manner, and
25			other GEO officers told
			Plaintiffs they "did not want
26			to do this," and began
27			assaulting Plaintiffs. Ex. 23, Castillo Dep. 82:17-83:5,
28			Casimo Dep. 02.17-05.5,
II			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
			86:13-87:24.; Ex. 26, Diaz
4			Dep. 81:20-25. In that moment, Plaintiffs felt that
5			any movement would be
6			considered provocation when
7			all they wanted to do was
			explain their reasons for
8			sitting at the table. Ex. 23,
9			Castillo Dep. 84: 18-85:15, 142:24-143:7, 143:20-144:2;
10			Ex. 25, Cornejo Dep. 63:24-
			65:2.
11			Plaintiff Cornejo testified that
12			he decided to join hands with
13			the other Plaintiffs because he
14			heard that Plaintiffs at the
			other table sounded like they were in pain, he was afraid,
15			and in that moment thought he
16			might be deported. Ex. 25,
17			Cornejo Dep. 65:10-24.
			Although blinded by the
18			pepper spray, Plaintiff Garcia
19			testified, "[w]e were holding hands so I felt they were
20			there." Ex. 29, Garcia Dep.
21			45:21-46:2
			Plaintiff Mejia testified that
22			"[after being sprayed] I just
23			put up with it, and then the officers came and with my
24			fellow detainees, we just
25			crossed our arms because the
			officers started hitting us"
26			Ex. 28, Mejia Dep. 76:12-
27			77:4.
28			
<b>-</b> 5			

SUF No.  The dorm, during a period that is supposed to be very quiet, was in an uproar and completely out of control.  Diaz Decl. ¶ 21; Campos Deco.] at 90:11-91:22; Ex. "W" [Jones Depo.] at 103:20-104:10; Ex. "Y" [GEO Martinez Depo.] at 131:24-132:12, 133:1-18, 134:7-11.  PLAINTIFFS' RESPONSE: Objection. Calls for speculation, vague and ambiguous as to the term "uproar" and "out of control". Disputed. Plaintiffs were passively sitting at the dayroom tables waiting to speak with someone about their hunger strike. The uncontroverted video evidence shows that the other detainees who were at their beds in the top and lower tiers were disinterested in Plaintiffs' presence at the tables. Ex. F, Video . It was not until the use of force began that the other detainees showed interest in the situation in the dayroom. Ex. 18, Jindi Dep. 53:3-14 (describing that the detainees on the top tiers were acting wild when Diaz sprayed); Ex. 25, Cornejo Dep. 62:11-15; Ex. 23, Castillo Dep. 81:23-82:6; Ex. 26, Diaz Dep. 60:9-25; Schwartz Decl. (incorporating Schwartz	1   [	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
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(incorporating Schwartz				-
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II	28			(meorporating benwartz

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SUITORT
	No.		
3			Report, at 12).
4			Lt. Diaz herself testified at her
5			deposition that before the use
6			of force, while Plaintiffs were sitting quietly tables [Ex. 16,
			Lt. Diaz Dep. 327:14-19],
7			there was nothing of concern
8			happening in the bunks and
9			the situation was completely
			under control [Ex. 16, Lt.
10			Diaz Dep. 328:1-329:11, 331:7-9, 335:6-17]. The first
11			mention Lt. Diaz makes at her
12			deposition about detainees
13			yelling is at approximately
			06:39:22, after the use of
14			force began [Ex. 16, Lt. Diaz Dep. 347:25-348:10], but even
15			then, Diaz did not consider the
16			situation to present a security
17			concern and no other officer
			did either [Ex. 16, Lt. Diaz
18			Dep. 348:11-18].
19			Nurse Jones was able to get many of the detainees to calm
20			down just by asking. She
21			asked a detainee who spoke
			many languages to tell the
22			others to calm down. He did
23			and the majority of the detainees complied. Ex. 21,
24			Jones Dep. 116:23-117:7.
25			Plaintiff Diaz testified that
			before Lt. Diaz started
26			spraying Plaintiffs with OC
27			spray, the other inmates in the dorm were not saying
28			dorm were not saying

$_{1}\parallel$	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIANT SCITORT
3	No.		
			anything and were just
5			watching. Only after she started spraying did they start
6			yelling that what the guards were doing was not correct. In
7			response, Lt. Diaz threatened the other detainees with OC
8			spray and yelled at them in
9			English. Ex. 26, Plaintiff Diaz Dep. at 60:1-25
10			
11			
12			
13	31.	Lt. Diaz determined that Plaintiffs Diaz,	Diaz Decl. ¶ 23; McCusker
14		Campos, Cornejo, Castillo, Garcia and Mejia were not going to comply with the	Decl. ¶¶ 7-8; Ex. "H" [GEO's Use of Force policy]; Ex. "O"
15		verbal commands, they were actively	[Campos Depo.] at 103:11-
16		resisting (interlocking arms), and they	104:6, 105:9-16.
17		were causing the other detainees to become, likewise, out of control.	PLAINTIFFS' RESPONSE:
18			Objection. Lacks foundation,
19			calls for speculation, vague as to the term "out of control."
20			Disputed. Plaintiffs were
21			passively sitting at the dayroom tables waiting to
22			speak with someone about
23			their hunger strike. The uncontroverted video
24			evidence shows that the other
			detainees who were at their
25			beds in the top and lower tiers were disinterested in Plaintiffs
26			presence at the tables. Ex. F,
27			Video. It was not until the use
28			of force began that the other

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SUITORT
	No.		
3			detainees showed interest in
4			the situation in the dayroom.
5			Ex. 18, Jindi Dep. 53:3-14
			(describing that the detainees
6			on the top tiers were acting
7			wild when Diaz sprayed); Ex. 25, Cornejo Dep. 62:11-15;
8			Ex. 23, Castillo Dep. 81:23-
			82:6; Schwartz Decl.
9			(incorporating Schwartz
10			Rept., at 12).
11			Lt. Diaz herself testified at her
			deposition that before the use
12			of force, while Plaintiffs were sitting quietly tables [Ex. 16,
13			Lt. Diaz Dep. 327:14-19],
14			there was nothing of concern
15			happening in the bunks and
			the situation was completely
16			under control [Ex. 16, Lt.
17			Diaz Dep. 328:1-329:11,
18			331:7-9, 335:6-17]. The first mention Lt. Diaz makes at her
			deposition about detainees
19			yelling is at approximately
20			06:39:22, after the use of
21			force began [Ex. 16, Lt. Diaz
			Dep. 347:25-348:10], but even
22			then, Diaz did not consider the
23			situation to present a security concern and no other officer
24			did either [Ex. 16, Lt. Diaz
25			Dep. 348:11-18].
			Out of fear and because they
26			could not comprehend what
27			was going on, Plaintiffs held
28			hands when the guards were

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1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		pulling on them. Ex. 26, Diaz
4			Dep. 81:20-25; Ex. 29, Garcia
			Dep. 39:17 ("We bow[ed] our
5			heads and we held hands.").
6			Officer Jindi testified that
7			after Lt. Diaz sprayed, the detainees on the top tiers grew
8			agitated and began coughing.
			Ex. 18, Jindi Dep. 53:3-14.
9			Officer Jindi further testified
10			that after she told the
11			detainees to calm down and not make the situation worse,
12			they complied with her orders.
13			Ex. 18, Jindi Dep. 51:10-52:2.
			Nurse Jones was able to get
14			many of the other detainees to
15			calm down just by asking. She asked a detainee who spoke
16			many languages to tell the
17			others to calm down. He did
			and the majority of the
18			detainees complied. Ex. 21,
19	32.	She recognized that she needed to	Jones Dep. 116:23-117:7.  Diaz Decl. ¶¶ 23-24;
20	32.	immediately regain control because the	McCusker Decl. ¶¶ 7-8; Ex.
21		continued delay in resolving the	"H" [GEO's Use of Force
		confrontation was causing a major	policy]; Ex. "Y" [GEO
22		disturbance within the dorm and entire	Martinez Depo.] at 68:20-
23		Facility.	69:4.
24			PLAINTIFFS' RESPONSE:
25			Objection. Lacks foundation,
			calls for speculation.
26			Disputed. Lt. Diaz testified at
27			her deposition that before the use of force, while Plaintiffs
28		1	use of force, winter familiars

1 Defs' 2 SUF No. 3 4 5 6	UNCONTROVERTED MATERIAL FACTS	were sitting quietly tables Lt. Diaz herself testified at her
3 No. 5		Diaz herself testified at her
5		Diaz herself testified at her
5		
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		then, Diaz did not consider the
16		situation to present a security concern and no other officer
17		did either [Ex. 16, Lt. Diaz
18		Dep. 348:11-18].Lt. Diaz
19		herself testified at her
		deposition that before the use
20		of force, while Plaintiffs were
21		sitting quietly tables [Ex. 16,
22		Lt. Diaz Dep. 327:14-19], there was nothing of concern
		happening in the bunks and
23		the situation was completely
24		under control [Ex. 16, Lt.
25		Diaz Dep. 328:1-329:11,
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27		deposition about detainees yelling is at approximately
28	1	jeining is at approximately

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
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3			06:39:22, after the use of
4			force began [Ex. 16, Lt. Diaz
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			then, Diaz did not consider the
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			327:14-19], there was nothing
9			of concern happening in the
10			bunks and the situation was
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17			then, Diaz did not consider the
18			situation to present a security
10			concern and no other officer did either [Diaz Dep. 348:11-
19			18]
20			Officer Jindi testified that
21			after Lt. Diaz sprayed, the
			detainees on the top tiers grew
22			agitated and began coughing.
23			Ex. 18, Jindi Dep. 53:3-14.
24			Officer Jindi further testified that after she told the
			detainees to calm down and
25			not make the situation worse,
26			they complied with her orders.
27			Ex. 18, Jindi Dep. 51:10-52:2.
			Nurse Jones was able to get
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
4			many of the other detainees to calm down just by asking. She
5			asked a detainee who spoke many languages to tell the
6			others to calm down. He did
7			and the majority of the detainees complied. Ex. 21,
8			Jones Dep. 116:23-117:7.
9			
10			
11	33.	Thus, after trying to de-escalate the	Diaz Decl. ¶¶ 23-25; Ex. "F"
12		situation for more than 9 minutes, giving several warning that she planned to use	[Video recording] at 6:42:12; Ex. "Y" [GEO Martinez
13		OC spray, which Plaintiffs understood,	Depo.] at 95:17-25, 95:25-
14		and GEO officers unsuccessfully trying to pull plaintiffs away from the tables, Lt.	96:6, 97:9-11, 98:8-17, 98:18- 21; Ex. "Z" [Reyes Depo.] at
15		Diaz deployed an extremely short burst	91:6-10, 95:9-96:8, 98:2-23;
16		of OC spray down the middle of Table B.	Ex. "O" [Campos Depo.] at 97:25-98:18, 99:16-23,100:4-
17			11; Ex. "Q" [Mejia Depo.] at
18			73:16-18, 76:7-15; Ex. "P" [Castillo Depo.] at 80:1-81:3,
19			84:7-14, 88:9-24, 94:21-95:1;
20			Ex. "R" [Rodriguez Depo.] at 97:2-16; Ex. "V" [Gillon
21			Depo] at 104:24-105:5.
22			PLAINTIFFS' RESPONSE:
23			Objection. Lacks foundation,
24			calls for speculation, vague and ambiguous as to the term
25			"short burst".
26			Disputed. Officer Martinez testified that as the detainees
27			did not speak English, there
28			was "no way [Lt. Diaz] could

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
	No.		
3   4			talk to them." Ex. 20, GEO Martinez Dep. 71:6-9; 66:22-
5			24 (Lt. Diaz did not
6			participate in the conversation he had with the detainees);
			96:7-21(Officer Martinez did
7			not say anything to the
8			detainees about pepper spray);
9			98:18-21 (same). By this time, Lt. Diaz had already
10			deployed her OC spray prior
11			to the officers pulling them
12			away from the tables. Ex. 16,
			Lt. Diaz Dep. 342:3-343:6, 343:16-347:23. (testifying that
13			she sprayed Plaintiffs at table
14			A while they were being
15			restrained by officers, and
16			later recanting her testimony after a break requested by Lt.
17			Diaz's counsel)
			Plaintiffs who were sprayed
18			believe she deployed her OC
19			spray three or four times. Ex. 30, Rodriguez Dep. 152:22-
20			24.
21			After that, Lt. Diaz deployed
22			her spray towards Table B and
			sprayed "quite a lot" towards Plaintiff Diaz and the whole
23			table. Ex. 26, Diaz Dep.
24			58:10-18.
25			Lt. Diaz testified her can of
26			OC spray was the "big MK-9.
			Big can." Ex. 16, Lt. Diaz Dep. 143:13. She further
27			testified that the OC spray was
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SOLITORI
	No.		
3   4			visible on the table. Ex. 16, Lt. Diaz Dep. 252:13-22.
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15	34.	Lt. Diaz intentionally did not directly	Diaz Decl. ¶¶ 23-25; Ex. "F"
16		spray Plaintiffs Diaz, Campos, Cornejo,	[Video recording] at 6:42:21;
17		Castillo, Garcia and Mejia despite their contentions otherwise.	Ex. "N" [Cornejo Depo.] at 71:10-12; Ex. "O" [Campos
18			Depo.] at 97:25-98:18, 99:16-
19			23,100:4-11; Ex. "P" [Castillo Depo.] at 89:25-90:18, 93:5-
20			10; Ex. "Q" [Mejia Depo.] at 74:18-75:5, 76:7-15; Ex. "Y"
21			[GEO Martinez Depo.] at
22			95:17-25, 95:25-96:6, 97:9-11
23			PLAINTIFFS' RESPONSE:
24			Objection. Lacks foundation, calls for speculation.
25			Disputed. Defendants admit
26			this fact is disputed.
27			Lt. Diaz sprayed "quite a lot" on Plaintiff Diaz and she
28		I	

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
4			sprayed the whole table. Ex. 26, Diaz Dep. 58:10-18.
			Plaintiff Castillo explained
5			that Lt. Diaz sprayed him in
6			the eyes and he yelled out "my eyes" and pepper spray
7			entered his mouth. Ex. 23,
8			Castillo Dep. 89:15-90:8.
9			
10			
11			
12			
13	35.	This was the only use of force that Lt.	Diaz Decl. ¶¶ 25-27; Ex. "X"
14		Diaz directly used.	[Jindi Depo.] at 49:24-50:23;
15			Ex. "Y" [GEO Martinez
16			Depo.] at 84:20-85:7, 98:3-5.
17			PLAINTIFFS' RESPONSE:
-			Objection. Lacks foundation, calls for speculation.
18			Disputed. This contention is
19			disputed by Lt. Diaz's own
20			testimony. By this time, Lt. Diaz had already deployed her
21			OC spray. Ex. 16, Lt. Diaz
22			Dep. Dep. 342:3-343:6, 343:16-347:23 (testifying that
23			she sprayed Plaintiffs at table
24			A while they were being
25			restrained by officers, and later recanting her testimony
26			after a break requested by Lt.
27			Diaz's counsel)
28			Plaintiffs who were sprayed believe she deployed her OC
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1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
4			spray three or four times. Ex. 30, Rodriguez Dep. 152:22-
5			24.
6			After that, Lt. Diaz deployed her spray towards Table A and
7			sprayed "quite a lot" towards Plaintiff Diaz and the whole
8			table. Ex. 26, Diaz Dep.
9			58:10-18.
10	36.	Not only were Plaintiffs Diaz, Campos,	Diaz Decl. ¶ 27; Ex. "F"
11		Garcia, Cornejo, Castillo, and Mejia	[Video recording] at 6:42:21
12		unfazed by Lt. Diaz's warnings, but they were similarly unfazed by the short burst	a.m.
13		of spray as they continued to remain	PLAINTIFFS' RESPONSE:
14		seated at Table B with their arms	Objection. Lacks foundation,
15		interlocked and heads down on the table.	calls for speculation, vague and ambiguous as to the term
			unfazed.
16			Disputed. Plaintiffs describe
17			themselves as having been in excruciating pain from the OC
18			spray and attempted to protect
19			themselves from the
20			overwhelming fumes. Plaintiff Diaz screamed out
21			when the OC spray hit him in
22			the face and it went into his
23			eyes and mouth as well. Ex. 26, Diaz Dep. 58:22-24.
24			Plaintiff Castillo explained
			that Lt. Diaz sprayed him in
25			the eyes and he yelled out "my eyes" and pepper spray
26			entered his mouth. Ex. 23,
27			Castillo Dep. 89:15-90:8.
28			Plaintiff Cornejo testified that

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1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
			he could not breathe, his eyes
4			were watering, and felt as if
5			his skin was peeling off. Ex.
6			25, Cornejo Dep. 70:23-71:5. Plaintiff Mejia testified that
			after Lt. Diaz deployed her
7			OC spray, he could not get up
8			because the officers started
9			grabbing and hitting him. Ex.
			28, Mejia Dep. 77:10-18.
10			Lt. Diaz herself testified that
11			in her experience, being sprayed with OC spray in the
12			face and having it drip into
			your eyes, on a zero to 10
13			scale, is at a pain level of 10.
14			Ex. 16, Lt. Diaz Dep. 149:10-
15			150:8.
	37.	At 6:43:47, after trying to convince the	Diaz Decl. ¶ 28; Ex. "F"
16		remaining plaintiffs to comply, Officers	[Video recording] at 6:43:47 –
17		Reyes and Martinez attempted to remove Plaintiff Garcia from the table by pulling	6:44:09 a.m.; Ex. "S" [Garcia Depo.] at 45:3-14; Ex. "Y"
18		on his arms.	[GEO Martinez Depo.] at
19			99:17-100:18, 101:6-102:22,
			103:9-19; Ex. "Z" [Reyes
20			Depo.] at 186:15-25.
21			DI AINTHEES! DESDONSE.
22			PLAINTIFFS' RESPONSE: Disputed: Plaintiffs were
23			unable to understand officers'
			commands. Plaintiffs were not
24			given commands in Spanish.
25			Ex. 23, Castillo Dep. 79:21-
26			80:9, 144:3-18. Reyes does not speak Spanish,
			he spoke to Plaintiffs in
27			English, and does not
28		1	,

1			[
1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
			remember anyone speaking to
4			them in Spanish. Ex. 16, Reyes Dep. 148:24-149:1,
5			150:17-25, 159:12-20.
6			Plaintiff Mejia testified that
			after Lt. Diaz deployed her
7			OC spray, the officers began
8			grabbing and hitting Plaintiffs
9			at the table. Ex. 28, Mejia
			Dep. 77:10-18.
10			Plaintiffs not recall any officers speaking to them in
11			Spanish. Ex. 24, Campos Dep.
12			91:25-92:5, 94:1-3; Ex. 30,
13			Rodriguez Dep. 144:14-18.
			The officers pulled, pushed,
14			and hit Plaintiff Garcia after
15			he was blinded by the pepper
16			spray. Ex. 29, Garcia Dep. 45:21-24.
	38.	As depicted in the video, Plaintiff Garcia	Diaz Decl. ¶ 28; Ex. "F"
17		lunged away from the Officers Reyes and	[Video recording] at 6:43:47 –
18		Martinez towards the table, which	6:44:09 a.m.; Ex. "S" [Garcia
19		prompted a third officer to assist.	Depo.] at 45:3-14; Ex. "Y"
20			[GEO Martinez Depo.] at
			99:17-100:18, 101:6-102:22,
21			103:9-19; Ex. "Z" [Reyes Depo.] at 186:15-25.
22			Bepo., at 100.13 23.
23			<b>PLAINTIFFS' RESPONSE</b> :
			Objection. Lacks foundation,
24			calls for speculation.
25			Disputed: Plaintiff Garcia did not lunge away from the
26			officers. The officers pulled,
27			pushed, and hit Plaintiff
			Garcia after he was blinded by
28			

	<u> </u>		
1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
			the pepper spray and threw
4			him against a wall, causing
5			him to bang his head. Ex. 29, Garcia Dep. 45:21-24, 47:2-3.
6			Garcia Dep. 43.21 24, 47.2 3.
7			
8			
9			
10			
11			
12	39.	While the three officers (including	Diaz Decl. ¶ 28; Ex. "F"
		Officers Reyes and Martinez) struggled to remove Plaintiff Garcia, Plaintiff	[Video recording] at 6:43:47 – 6:44:09 a.m.; Ex. "S" [Garcia
13		Campos grabbed on to Plaintiff Garcia	Depo.] at 45:3-14; Ex. "Y"
14		and pushed the officers away from Garcia	[GEO Martinez Depo.] at
15		with his left hand/arm (at around	99:17-100:18, 101:6-102:22,
16		6:43:54).	103:9-19; Ex. "Z" [Reyes
			Depo.] at 186:15-25.
17			PLAINTIFFS' RESPONSE:
18			Objection. Lacks foundation,
19			calls for speculation.
20			Disputed. Plaintiff Campos
			was trying to use his hands to wipe the OC spray from his
21			face as the officers were
22			grabbing at his hands. Instead
23			of allowing Plaintiff Campos
24			to wipe his face they grabbed him and threw him to the
25			ground. Ex. 24, Campos Dep.
			106:20-107:2.
26			The officers pulled, pushed,
27			and hit Plaintiff Garcia after
28			he was blinded by the pepper

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SOLLORI
3	No.		
4			spray. and threw him against a wall, causing him to bang his
5			head. Ex. 29, Garcia Dep. 45:21-24, 47:2-3.
6			·
7			
8			
9			
10			
11			
12	40.	As a result, the officers had to separate	Diaz Decl. ¶ 28; Ex. "F"
13	10.	Plaintiffs Garcia and Campos by pulling	[Video recording] at 6:43:47 –
14		them apart.	6:44:09 a.m.; Ex. "S" [Garcia Depo.] at 45:3-14; Ex. "Y"
15			[GEO Martinez Depo.] at
16			99:17-100:18, 101:6-102:22, 103:9-19; Ex. "Z" [Reyes
17			Depo.] at 186:15-25.
18			PLAINTIFFS' RESPONSE:
19			Objection. Lacks foundation,
20			calls for speculation.
21			Disputed. Plaintiff Campos was scared and held onto the
22			person next to him because he
23			was "afraid that something would happen to him to all
24			of us." Campos Dep. 105:1-7.
25			Plaintiff Campos was trying to use his hands to wipe the OC
26			spray from his face as the
27			officers were grabbing at his hands. Instead of allowing
28			Plaintiff Campos to wipe his

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		face they grabbed him and
4			threw him to the ground. Ex.
5			24, Campos Dep. 106:20-
6			107:2. Plaintiff Garcia was also
			blinded by the OC spray. He
7			had marks on his body from
8			where the officers grabbed
9			him, punched him in the ribs, scratched him and pushed him
10			into a wall, causing him to bang his head, all while he
11			was blind from the OC spray.
12			Ex. 29, Garcia Dep. 47:2-10.
13	41.	Eventually, Officers Reyes and Martinez	Diaz Decl. ¶ 28; Ex. "F"
14		were able to gain control of Plaintiff Garcia and escort him out of the dorm.	[Video recording] at 6:43:47 – 6:44:09 a.m.; Ex. "S" [Garcia
15			Depo.] at 45:3-14; Ex. "Y"
16			[GEO Martinez Depo.] at
			99:17-100:18, 101:6-102:22, 103:9-19; Ex. "Z" [Reyes
17			Depo.] at 186:15-25.
18			DI AINTHEEO DECDONCE.
19			PLAINTIFFS' RESPONSE: Disputed. The officers pulled,
20			pushed, and hit Plaintiff
21			Garcia after he was blinded by
22			the pepper spray. Ex. 29, Garcia Dep. 45:21-24.
23			The officers pushed him into a
24			wall, causing him to bang his
			head. Ex. 29, Garcia Dep. 47:2-3.
25			Garcia had marks on his body
26			from where the officers
27			grabbed him, punched him in the ribs, scratched him and, all
28			die 1100, betwened inni und, un

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIANT SCITORI
3	No.		
			while he was blind from the
5			OC spray. Ex. 29, Garcia Dep. 47:2-10.
6			
7			
8			
9			
10			
11	42.	Meanwhile, Lt. Diaz realized the	Diaz Decl. ¶ 27; Campos
12	72.	situation was completely out of control	Decl. ¶¶ 4-5; Ex. "R"
13		(Plaintiffs were interlocking arms and refusing to comply, and the other	[Rodriguez Depo.] at 100:22- 24 [acknowledged other
14		detainees were also yelling and acting in	detainees in dorm were
15		a rowdy manner), so she called for additional assistance.	yelling]; Ex. "W" [Jones Depo.] at 103:20-104:10; Ex.
16		additional assistance.	"X" [Jindi Depo.] at 46:8-
17			47:2; Ex. "Y" [GEO Martinez
18			Depo.] at 131:24-132:12, 133:1-18.
19			DI A INTERESSA DEGRANGE
20			PLAINTIFFS' RESPONSE: Objection. Lacks foundation,
21			calls for speculation.
22			Disputed. When reviewing the incident video at her
23			deposition, Lt. Diaz asserted
24			there was a rebellion or riot happening with the detainees
25			in the top tier, but also
26			conceded that at no point did
27			she order GEO officers to the tiers to address those
			detainees which she
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
3			acknowledged she would have
4			done if there was a legitimate
5			security concern. Ex. 16, Lt.
			Diaz Dep. 348:6-21; Schwartz
6			Decl. (incorporating Schwartz Report, at 13).
7			Officer Jindi testified that
8			after Lt. Diaz deployed OC
			spray, the detainees on the top
9			tiers grew agitated and began
10			coughing. Ex. 18, Jindi Dep.
11			53:3-14. Officer Jindi further
			testified that after she told the
12			detainees to calm down and
13			not make the situation worse,
14			they complied with her orders. Ex. 18, Jindi Dep. 51:10-52:2.
			Nurse Jones was able to get
15			many of the other detainees to
16			calm down just by asking. She
17			asked a detainee who spoke
			many languages to tell the
18			others to calm down. He did
19			and the majority of the
20			detainees complied. Ex. 21,
	43.	Next at around 6:45:59 officers	Jones Dep. 116:23-117:7.  Diaz Decl. ¶ 29; Ex. "F"
21	43.	Next, at around 6:45:58, officers attempted to pull Plaintiff Mejia from the	[Video recording] at 6:45:58-
22		table. To do so, the officers tried to	6:46:18; Ex. "Q" [Mejia
23		unlink Plaintiffs Mejia's arms from	Depo.] at 76:20-77:4, 77:23-
		Plaintiff Castillo.	78:5; Ex. "V" [Gillon Depo]
24			at 170:14-16, 170:23-117:3.
25			PLAINTIFFS' RESPONSE:
26			Objection. Calls for
			speculation.  Disputed. Plaintiff Mejia
27			testified that after Lt. Diaz
28		<u> </u>	totalion that alter Di Diaz

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1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		dantana d OC annon anta bia
4			deployed OC spray onto his face and shoulders, all he
			could do was put up with the
5			pain and the officers began
6			hitting him on his ribs and
7			behind his ears, twisting his
			arms backwards, and threw
8			him against the wall. Ex. 28, Mejia Dep. 76:16-77:4, 77:10-
9			79:13.
10			Plaintiff Castillo similarly
11			described that two officers
			tried to pull him off the table;
12			one did so by punching him in the ribs with closed fists and
13			the other pulled him by his
14			arm and shirt. A third officer
15			leaned over the other side of
			the table and dug her nails in
16			the back of his ears. Ex. 23,
17	44.	Despite Plaintiff Mejia resisting (which	Castillo Dep. 88:12-10. Diaz Decl. ¶¶ 29, 47; Ex. "F"
18	77.	he denies) the officers are able to remove	[Video recording] at 6:45:58-
19		Plaintiffs Mejia from the table at around	6:46:18; Ex. "Q" [Mejia
		6:46:18 without using any force.	Depo.] at 82:10-20; Ex. "V"
20			[Gillon Depo] at 170:14-16,
21			170:23-117:3.
22			PLAINTIFFS' RESPONSE:
23			Objection. Lacks foundation,
24			calls for speculation, vague
			and ambiguous as to the term "resisting"
25			Disputed. Defendants' admit
26			this fact is disputed. Officer
27			Martinez testified that he did
28			not remember whether

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
4			Plaintiff Mejia threw his hands back that day. Ex. 20,
			GEO Martinez Dep. 109:14-
5			110:1.
6			Plaintiff Mejia testified that
7			after Lt. Diaz deployed OC spray onto his face and
8			shoulders, all he could do was
9			put up with the pain and the
10			officers began hitting him on his ribs and behind his ears
			and twisting his arms
11			backwards. When they
12			removed him from the table,
13			the officers threw him against the wall. Ex. 28, Mejia Dep.
14			76:16-77:4, 77:10-79:13.
15	45.	Additionally, while Plaintiff Mejia stated	Diaz Decl. ¶ 47; Ex. "F"
16		he was hit an unknown amount of times by unknown officers and thrown against	[Video recording] at 6:45:58-6:46:18; Ex. "Q" [Mejia
17		a wall, the video evidence demonstrates	Depo.] at 35:24-37:13, 76:20-
		that he was <i>not</i> . The officers only pulled	77:4, 77:14-22, 77:23-78:5,
18		him from the table and, thereafter, struggled to gain control of him while he	78:6-79:3, 79:11-18, 80:9-19; 82:10-20, 109:22-110:15,
19		was resisting the entire time.	110:16-20.
20			
21			PLAINTIFFS' RESPONSE: Objection. Lacks foundation,
22			calls for speculation.
23			Disputed. Defendants' admit
24			this fact is disputed. Plaintiff
			Mejia testified that after he was beaten by the officers at
25			the table, he was not resisting
26			but the officers threw him
27			against a wall where the right side of his face hit the wall.
28			side of his face lift the wall.

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		The wide a swideness
4			The video evidence demonstrates Plaintiff Mejia
5			was shoved into the wall by two officers, as well as Sgt.
6			Campos when he entered the
7			dorm. Ex. F, [Video, Views C-1 and C-3] at 6:46:18 to
8			6:46:22; Ex. 28, Mejia Dep.
9			81:17-82:24. Officer Martinez further
10			testified that Sgt. Campos
11			gave him the directive to "guide" Plaintiff Mejia
12			towards the wall, and could
13			not remember whether Plaintiff Mejia was throwing
14			his arms back, but did
15			remember that Plaintiff Mejia never struck him. GEO
16			Martinez Dep. 107:19-25,
17			108:1-109:1.
18	46.	As the officers were trying to walk Plaintiff Mejia out of the dorm, at around	Diaz Decl. ¶ 30; Campos Decl. ¶¶ 4-6; Ex. "F" [Video
19		6:46:18, Sgt. Campos responded to Lt.	recording] at 6:46:18; Ex. "X"
20		Diaz's call and entered the dorm.	[Jindi Depo.] at 47:6-11.
21			PLAINTIFFS' RESPONSE:
22			Disputed. Plaintiffs do not dispute that Sgt. Campos
23			responded to Lt. Diaz's call
24			for assistance and had no knowledge of anything else
25			that was happening in the
26			dorm. Ex. 14, Sgt. Campos Dep. 74:2-75:5, 77:23-25,
27			79:25-80:24; Lt. Diaz Dep.
28			224:3-8.

$_{1}\parallel$	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	SUF	FACTS	EVIDENTIARY SUPPORT
	No.	_ = = = = = = = = = = = = = = = = = = =	
3			Plaintiffs dispute that Plaintiff
4			Mejia was walked out of the
5			dorm. The video evidence, as well as Plaintiff Mejia's
6			testimony, demonstrates
7			Plaintiff Mejia was shoved
8			into the wall by two officers, as well as Sgt. Campos
9			immediately as he entered the
			dorm. Ex. F, [Video, Views
10			C-1 and C-3] at 6:46:18 to 6:46:22; Ex. 28, Mejia Dep.
11			81:17-82:24.
12	47.	Sgt. Campos immediately assisted the	Diaz Decl. ¶ 31; Campos
13		two officers, including Officer Martinez, that were struggling to remove Plaintiff	Decl. ¶ 7; Ex. "F" [Video recording] at 6:46:18-6:46:24;
14		Mejia, who was being combative.	Ex. "Y" [GEO Martinez
15			Depo.] at 107:19-109:16; Ex.
16			"Z" [Reyes Depo.] at 110:3- 111:4.
17			
18			PLAINTIFFS' RESPONSE:
			Objection. Lacks foundation, calls for speculation, vague
19			and ambiguous as to the term
20			"combative."
21			Disputed. Plaintiff Mejia testified that he was not
22			resisting the officers. Ex. 28,
23			Mejia Dep. 81:17-82:24. Officer Martinez further
24			testified that Sgt. Campos
25			gave him the directive to
26			"guide" Plaintiff Mejia
			towards the wall, and could not remember whether
27			Plaintiff Mejia was throwing
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
	SUF	FACTS	EVIDENTIART SUFFORT
2	No.	111010	
3			his arms back, but did
4			remember that Plaintiff Mejia
5			never struck him. GEO
			Martinez Dep. 107:19-25, 108:1-109:1.
6			Sergeant Campos himself
7			testified that he did not
8			understand what was going on
9			and immediately "guided"
			Plaintiff Mejia into the wall.
10			Ex. 14, Sgt. Campos Dep. 89:22-89:12. As explained by
11			Dr. Schwartz, in use of force
12			situations where staff take
13			detainees to a wall, a
			detainee's head or shoulders
14			frequently make initial contact with the wall. Schwartz Decl.
15			(incorporating Schwartz
16			Report, at 18).
17	48.	Namely, even though Plaintiff Mejia had	Campos Decl. ¶ 7; Ex. "Y"
		his arms behind his back and there was	[GEO Martinez Depo.] at
18		an officer on each of his arms, he,	107:19-109:16, 110:3-9; Ex.
19		nevertheless, resisted and tried to run from the officers. The two officers had	"F" [Video recording] at 6:46:18-6:46:24.
20		not gained his compliance despite their	0.10.10 0.10.21.
21		efforts.	<b>PLAINTIFFS' RESPONSE</b> :
			Objection. Lacks foundation,
22			calls for speculation.  Disputed. Defendants'
23			proffered evidence does not
24			support this contention.
25			Officer Martinez never
			testified that Plaintiff Mejia
26			tried to run from him. Indeed,
27			Officer Martinez testified that nothing about Plaintiff Mejia
28		L	nouning about 1 mintin Micjia

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3   4			stood out to him. He testified that there was no further
5			incident with Plaintiff Mejia in the hallway or when he was
6			placed in the recreation yard.
7			Ex. 20, GEO Martinez Dep. 110:10-111:1.
8	49.	Thus, Sgt. Campos guided the group to	Campos Decl. ¶¶ 7-8; Ex. "Y"
9	7).	the wall because this would allow the officers to secure Plaintiff Mejia's arms	[GEO Martinez Depo.] at 107:19-109:16, 110:3-9; Ex.
11		so he could be escorted out without	"F" [Video recording] at
12		injury.	6:46:18-6:46:24.
13			PLAINTIFFS' RESPONSE:
14			Objection. Lacks foundation, calls for
15			speculation.
16			Disputed. Sergeant Campos himself testified that he did
17			not understand what was
18			going on and immediately "guided" Plaintiff Mejia into
19			the wall. Ex. 14, Sgt. Campos
20			Dep. 89:22-89:12, 95:15-96:4, 96:22-97:11. Sgt. Campos
21			further testified that Plaintiff
22			Mejia was handcuffed in this moment. Ex. 14, Sgt. Campos
23			Dep. 99: 21-100:12. As
24			explained by Dr. Schwartz, in use of force situations where
25			staff take detainees to a wall, a
			detainee's head or shoulders
26			frequently make initial contact with the wall. Schwartz Decl.
27			(incorporating Schwartz
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
4			Report, at 18).
5	50.	While Sgt. Campos assisted the officers with Plaintiff Mejia, others officers	Diaz Decl. ¶ 31; Campos Decl. ¶ 9; Ex. "F" [Video
6		continued to try to break up Plaintiffs	recording] at 6:46:24.
7		Diaz, Campos, Cornejo, and Castillo by untangling their arms, but the plaintiffs	PLAINTIFFS' RESPONSE:
8		resisted and refused to be removed from	Objection. Lacks foundation,
9		Table B.	calls for speculation.  Disputed. Sgt. Campos
10			testified that Plaintiffs had
11			unlinked their arms. Ex. 14, Sgt. Campos Dep. 124:5-7,
12			and could not remember if
13			their arms were linked while
14			he was spraying them with OC spray. Ex. 14, Sgt.
15			Campos Dep. 124:11-18.
16			After Lt. Diaz sprayed the table Plaintiffs put their faces
17			down on the table to avoid
			being sprayed further. Then
18			the guards started pulling on them to remove them. After
19			Plaintiff Diaz was sprayed in
20			the face with OC spray he got
21			up screaming, blinded by the
22			spray that had gone into his eyes and mouth. Ex. 26, Diaz
23			Dep. 58:15-59:8.
			Plaintiff Campos was scared
24			and held onto the person next to him because he was "afraid
25			that something would happen
26			to him to all of us." Campos
27			Dep. 105:1-7.
28			Plaintiff Campos was in pain and blinded by the OC spray.

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
			He was trying to use his hands
4			to wipe the OC spray from his face as the officers were
5			grabbing at his hands. Instead
6			of allowing Plaintiff Campos
7			to wipe his face they grabbed
8			him and threw him to the
			ground. Ex. 24, Campos Dep. 106:20-107:2.
9			Plaintiff Castillo was being
10			pulled by two officers, one of
11			which hit him in the ribs, and
12			a third officer who reached across the table and dug her
			nails behind her ears. Ex. 23,
13			Castillo Dep. 88:12-89:10,
14			89:15-24.
15			Plaintiff Cornejo was being
16			pulled by the officers, but did not understand why. Ex. 25,
17			Cornejo Dep. 68:21-69:14.
	51.	Eventually, the three officers were able to	Diaz Decl. ¶¶ 31, 47; Campos
18		pull Castillo away from the table without	Decl. ¶ 17; Ex. "V" [Gillon
19		using any force.	Depo] at 171:4-20; Ex. "F" [Video recording] at 6:46:24-
20			6:46:33.
21			
22			<u>PLAINTIFFS' RESPONSE</u> : Objection. Lacks foundation,
			calls for speculation, vague
23			and ambiguous as to the
24			phrase "using any force."
25			Disputed. Plaintiff Castillo
26			testified that he was being pulled by two officers, one of
27			which hit him in the ribs, and
			a third officer who reached
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SOLI ORI
	No.		
3			across the table and dug her
4			nails behind her ears. Ex. 23,
5			Castillo Dep. 88:12-89:10, 89:15-24. The video evidence
6			demonstrates most of this
7			interaction, but the details are
			not captured by the grainy
8			video footage and Plaintiff Castillo is largely obstructed
9			by the officers and other
10			Plaintiffs at the table. Ex. F,
11			[Video, View C-3] at 06:46:23 a.m. to 06:46:36 a.m.
12	52.	While Plaintiff Castillo makes various	Diaz Decl. ¶¶ 31, 47; Campos
13		allegations about being punched and	Decl. ¶ 17; Ex. "F" [Video
		states that he was slammed against glass,	recording] at 6:46:24-6:46:33;
14		the video evidence demonstrates otherwise.	Ex. "P" [Castillo Depo.] at
15		otherwise.	89:3-8, 89:15-24, 94:7-9; Ex. "V" [Gillon Depo] at 171:4-
16			20.
17			
18			<u>PLAINTIFFS' RESPONSE</u> : Objection. Lacks foundation,
			calls for speculation.
19			Disputed. Defendants admit
20			this fact is disputed. The
21			video evidence does not
22			capture most of this interaction, but some grainy
23			footage depicts what Plaintiff
			Castillo described. Ex. F,
24			[Video, View C-3] at 06:46:23 a.m. to 06:46:54 a.m. Plaintiff
25			Castillo testified that after he
26			was carried away from the
27			table he was taken near the
28			stair railing and was thrown

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		against the glass by the
$_{4}\parallel$			telephone area, where he
			injured his face. Ex. 23,
5			Castillo Dep. 96:8-96:21.
6	53.	Set Composition walked toward Table D	Diez Deal ¶ 22: Campas
7	33.	Sgt. Campos then walked toward Table B where officers were trying to grab	Diaz Decl. ¶ 32; Campos Decl. ¶ 9; Ex. "F" [Video
3		Plaintiffs Diaz, Campos, and Cornejo's	recording] at 6:46:33-6:46:44.
		arms to separate them (the remaining	PLAINTIFFS' RESPONSE:
		plaintiffs still had their arms interlocked.)	Objection. Calls for
			speculation.
			Disputed. This is disputed by
			Sgt. Campos's own testimony.
			Sgt. Campos testified that
			when he walked over to the
			table, Plaintiffs had unlinked their arms and did not link
			them again until after he
			deployed OC spray against
			them. Ex. 14, Sgt. Campos
			Dep. 124:5-7, 124:19-24.
			Moreover, the GEO guards
			were were not simply "trying
			to grab Plaintiffs' arums."
			Plaintiff Campos testified that
			the guards were using their
			nails to scratch him. Ex. 24, Campos Dep. 115:13-14.
			Plaintiff Diaz testified that the
			guards were digging their
			nails behind his ears, digging
			their nails into his hand,
			squeezing painfully between
			his thumb and pointer finger,
			and pinching and pulling the
			skin on the Plaintiffs' sides
			near their ribs. Ex. 26, Diaz

Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
		Dep. 55:9-56:5, 57:6-10.
54.	Plaintiffs Diaz, Campos, and Cornejo	Campos Decl. ¶ 9; Diaz Decl.
	grabbed on to each other to prevent the officers from gaining their compliance. In	¶ 31; Ex. "F" [Video recording] at 6:46:18-6:46:44.
	turn, the officers struggled to separate	
	them.	<b>PLAINTIFFS' RESPONSE</b> :
		Objection. Lacks foundation,
		calls for speculation, vague
		and ambiguous as to the term "struggled."
		Disputed. This is disputed by
		Sgt. Campos's own testimony.
		Sgt. Campos testified that
		when he walked over to the
		table, Plaintiffs had unlinked
		their arms and did not link them again until after he
		deployed OC spray against
		them. Ex. 14, Sgt. Campos
		Dep. 124:5-7, 124:19-24.
		Plaintiff Cornejo joined hands
		with the other Plaintiffs
		because the Plaintiffs at the
		other table sounded like they were in pain and he was
		afraid, and also because in
		that moment he thought he
		might be deported. Ex. 25,
		Cornejo Dep. 65:10-24.
		Plaintiff Campos was scared
		and held onto the person next to him because he was "afraid
		that something would happen
		to him to all of us." Campos
		Dep. 105:1-7.
		Moreover, Plaintiff Campos

1	D. e. e.	TINGONEDOVEDED MARENA	ENTINENTE A DEL CUIDA DEL
	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
2	No.	FACIS	
3			testified that the guards were
4			using their nails to scratch
5			him. Ex. 24, Campos Dep.
			115:13-14. Plaintiff Diaz
6			testified that the guards were digging their nails behind his
7			ears, digging their nails into
8			his hand, squeezing painfully
9			between his thumb and
10			pointer finger, and pinching
			and pulling the skin on the Plaintiffs' sides near their ribs.
11			Ex. 26, Diaz Dep. 55:9-56:5,
12			57:6-10.
13	55.	Plaintiff Cornejo admitted that the	Ex. "N" [Cornejo Depo.] at
14		officers were trying to separate them "from the hands" and Plaintiff Campos	68:21-22; Ex. "O" [Campos Depo.] at 107:12-15.
		acknowledged the officers tried to	Depo.j at 107.12-13.
15		separate them one by one.	PLAINTIFFS' RESPONSE:
16			Objection. Lacks foundation,
17			calls for speculation.
18			Disputed. While the guards were trying to pull Plaintiff
			Cornejo, they hit his abdomen
19			on the side of the table, and
20			then threw him on the ground,
21			causing him to hit the side of
22			the table and bleed from his abdomen, and injure his knee.
23			Ex. 25, Cornejo Dep. 73:25-
			74:14.
24			Plaintiff Campos was scared
25			and held onto the person next to him because he was "afraid
26			that something would happen
27			to him to all of us." Campos
			Dep. 105:1-7.
28			

1	D.C.	TINCOMEDOVEDED NAMEDIA	EVIDENDIA DV CUDDODÆ
	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
2	No.	FACIS	
3   4			The guards also used their nails to scratch Plaintiff
5			Campos. Ex. 24, Campos
6			Dep. 115:13-14. Plaintiff Campos was in pain
7			and blinded by the OC spray. He was trying to use his hands
8			to wipe the OC spray from his
9			face as the officers were grabbing at his hands. Instead
10			of allowing Plaintiff Campos
11			to wipe his face they grabbed him and threw him to the
12			ground. Ex. 24, Campos Dep.
13			106:20-107:2.
14	56.	Sgt. Campos determined that any further	Campos Decl. ¶ 10; McCusker
15		delay in bringing this situation under	Decl. ¶¶ 7-8; Ex. "H" [GEO's
16		control would result in a major disturbance and further serious disorder	Use of Force policy].
17		within the dorm.	PLAINTIFFS' RESPONSE:
18			Objection. Calls for speculation.
19			Disputed. When Sgt. Campos
20			arrived at 2-Charlie he knew nothing about what was
21			happening there. Ex. 14, Sgt.
22			Campos Dep. 74:2-75:5, 77:23-25, 79:25-80:24. After
23			Sgt. Campos entered the
			dayroom, he made no effort to
24			learn anything: he did not talk to any officers or get any
25			information about what was
26			happening. Instead, within a
27			minute of entering the room, he started deploying OC spray
28	<u> </u>	1	in surred deploying of spray

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
$_{2}\parallel$	SUF	FACTS	
3	No.		
			on Plaintiffs. Ex. 14, Sgt.
4			Campos Dep. 104:11-14,
5			105:22-25, 106:5-8.
6			The uncontroverted video evidence shows that the other
			detainees who were at their
7			beds in the top and lower tiers
8			were disinterested in
9			Plaintiffs' presence at the
9			tables, Ex. F, Video, and it
10			was not until the use of force
11			began that the other detainees
12			began responding in any way
12			to what was happening in the dayroom. Ex. 18, Jindi Dep.
13			53:3-14; Ex. 25, Cornejo Dep.
14			62:11-15; Ex. 23, Castillo
15			Dep. 81:23-82:6; Ex. 26, Diaz
15			Dep. 60:9-25; Decl. of
16			Schwartz (incorporating
17			Schwartz Report at 17).
18			Lt. Diaz herself testified at her
10			deposition that before the use
19			of force, while Plaintiffs were sitting quietly tables [Ex. 16,
20			Lt. Diaz Dep. 327:14-19],
21			there was nothing of concern
			happening in the bunks and
22			the situation was completely
23			under control [Ex. 16, Lt.
24			Diaz Dep. 328:1-329:11,
			331:7-9, 335:6-17]. The first mention Lt. Diaz makes at her
25			deposition about detainees
26			yelling is at approximately
27			06:39:22, after the use of
			force began [Ex. 16, Lt. Diaz
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIANI SCITONI
	No.		
3			Dep. 347:25-348:10], but even
4			then, Diaz did not consider the
5			situation to present a security
6			concern and no other officer did either [Ex. 16, Lt. Diaz
			Dep. 348:11-18].
7			Finally, Officer Jindi testified
8			that after the initial OC sprays
9			by Lt. Diaz, she told the
10			detainees to calm down and
			not make the situation worse, they complied with her orders.
11			Ex. 18, Jindi Dep. 51:10-52:2.
12			Nurse Jones was able to get
13			many of the other detainees to
14			calm down just by asking. She
			asked a detainee who spoke many languages to tell the
15			others to calm down. He did
16			and the majority of the
17			detainees complied. Ex. 21,
			Jones Dep. 116:23-117:7.
18	57.	As such, he determined that it was	Campos Decl. ¶ 10; McCusker
19		reasonable under the circumstances to deploy OC spray	Decl. ¶¶ 7-8; Ex. "H" [GEO's Use of Force policy].
20		deproy of spray	PLAINTIFFS' RESPONSE:
21			Objection. Lacks foundation,
			calls for speculation.
22			Disputed. When Sgt. Campos arrived at 2-Charlie he knew
23			nothing about what was
24			happening there. Ex. 14, Sgt.
25			Campos Dep. 74:2-75:5,
			77:23-25, 79:25-80:24.After
26			Sgt. Campos entered the
27			dayroom, he made no effort to learn anything: he did not talk
28		1	ream any annig. He did not talk

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		to any officers or get any
4			to any officers or get any information about what was
			happening. Instead, within a
5			minute of entering the room,
6			he started deploying OC spray
7			on Plaintiffs. Ex. 14, Sgt.
			Campos Dep. 104:11-14,
8			105:22-25, 106:5-8.
9			The uncontroverted video evidence shows that the other
10			detainees who were at their
			beds in the top and lower tiers
11			were disinterested in
12			Plaintiffs' presence at the
13			tables, Ex. F, Video, and it
			was not until the use of force
14			began that the other detainees
15			began responding in any way
16			to what was happening in the dayroom. Ex. 18, Jindi Dep.
			53:3-14; Ex. 25, Cornejo Dep.
17			62:11-15; Ex. 23, Castillo
18			Dep. 81:23-82:6; Ex. 26, Diaz
19			Dep. 60:9-25; Decl. of
			Schwartz (incorporating
20			Expert Report, at 12).
21			Additionally, Lt. Diaz testified at her deposition that before
22			the use of force, while
			Plaintiffs were sitting quietly
23			tables [Diaz Dep. 327:14-19],
24			there was nothing of concern
25			happening in the bunks and
26			the situation was completely
			under control [Diaz Dep.
27			328:1-329:11, 331:7-9, 335:6- 17]. The first mention Lt. Diaz
28			17]. The first mention Lt. DidZ
11			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		makes at her deposition about
4			detainees yelling is at
			approximately 06:39:22, after
5			the use of force began [Diaz
6			Dep. 347:25-348:10], but even
7			then, Diaz did not consider the
8			situation to present a security concern and no other officer
			did either [Diaz Dep. 348:11-
9			18].
10			Finally, Officer Jindi testified
11			that after the initial OC sprays
12			by Lt. Diaz, she told the detainees to calm down and
			not make the situation worse,
13			they complied with her orders.
14			Ex. 18, Jindi Dep. 51:10-52:2.
15			Nurse Jones was able to get
16			many of the other detainees to
			calm down just by asking. She asked a detainee who spoke
17			many languages to tell the
18			others to calm down. He did
19			and the majority of the
20			detainees complied. Ex. 21,
	58.	He instructed the officers to move away	Jones Dep. 116:23-117:7.  Campos Decl. ¶ 10.
21	30.	from the table, yelled, "OC spray	Cumpos Been.    10.
22		warning," and commanded the plaintiffs	<b>PLAINTIFFS' RESPONSE</b> :
23		at the table to stop resisting.	Disputed. Sgt. Campos made
24			the determination that he
			should deploy OC spray because Plaintiffs at Table B
25			were being combative and
26			elbowing officers. Ex. 14,
27			Sgt. Campos Dep. 114:5-15.
28			Sgt. Campos yelled "OC spray
۵۵			

$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
	No.		
3			warning" without telling
4			Plaintiffs what that meant or what they needed to do to
5			avoid being sprayed. Ex. 14,
6			Sgt. Campos Dep. 109:4-20.
7			There were multiple
8			commands being given by multiple officers at the same
9			time. St. Campos does not
			remember any given in
10			Spanish, including whether he himself gave commands in
11			Spanish. Ex. 14, Sgt. Campos
12			Dep. 86:20-24, 107:22-108:6,
13			111:18-21. Sgt. Campos testified that
14			Plaintiffs had unlinked their
15			arms. Ex. 14, Sgt. Campos
16			Dep. 124:5-7, and could not remember if their arms were
			linked while he was spraying
17			them with OC spray. Ex. 14,
18			Sgt. Campos Dep. 124:11-18
19			("They're huddled together. You can't tell. I don't know.")
20			Sgt. Campos only waiting 3-5
21			seconds after yelling at
22			Plaintiffs before he started spraying them with OC spray.
23			Ex. 14, Sgt. Campos Dep.
			111:12-14.
24			
25			
26			
27			
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	59.	Based on the video recording, at around	Campos Decl. ¶ 11; Diaz
4		6:46:46 a.m. to 6:46:47 a.m., Sgt.	Decl. ¶ 32. Campos Decl. ¶
5		Campos deployed OC spray in the direction of Plaintiffs Diaz, Campos, and	11; Ex. "F" [Video recording] at 6:46:46-6:46:47; Ex. "T"
6		Cornejo, who had their arms interlocked	[Diaz Depo] at 83:17-23.
7		and were huddled together across the	DI AINTENERA DEGDONGE
8		table.	PLAINTIFFS' RESPONSE: Disputed. Sgt. Campos
9			testified that he directly
10			sprayed at Plaintiff Cornejo because he was the first
			detainee that he observed
11			elbowing an officer. Ex. 14,
12			Sgt. Campos Dep. 113:23- 114:14.
13			He further testified that
14			Plaintiffs had unlinked their
15			arms. Ex. 14, Sgt. Campos Dep. 124:5-7, and could not
16			remember if their arms were
17			linked while he was spraying them with OC spray. Ex. 14,
18			Sgt. Campos Dep. 124:11-18
19			("They're huddled together.
20			You can't tell. I don't know.") There were multiple
21			commands being given by
22			multiple officers at the same
23			time. St. Campos doesn't remember any given in
			Spanish. Ex. 14, Sgt. Campos
24			Dep. 107:22-108:6.
25			
26			
27			
28			

1 2	Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
3	60.	Then, he moved to the opposite end of	Campos Decl. ¶ 11; Diaz
4		the table and deployed a second extremely short burst of OC spray	Decl. ¶ 32; Ex. "F" [Video recording] at 6:46:47-6:46:52.
5		towards Plaintiffs Diaz and Campos.	10001ding] at 0.10.17 0.10.22.
6			PLAINTIFFS' RESPONSE:
7			Objection. Lacks foundation, calls for speculation, vague
8			and ambiguous as to the term
9			"extremely short burst."
			Disputed. Sgt. Campos
10			testified that he went around the table to deploy OC spray
11			at Plaintiffs again because he
12			"had not made contact with
13			them." Ex. 14, Sgt. Campos
14			Dep. 115:1-11. He also testified that he did so because
15			they were striking the officers
			that were attempting to secure
16			them. Ex. 14, Sgt. Campos
17			Dep. 115:19-25. The uncontroverted video
18			evidence shows otherwise. Ex.
19			F [Video] at 06:46:50 a.m. to
20			06:46:52 a.m.
			Moreover, Plaintiff Mejia recalls Plaintiff Campos
21			crying from the burning pain
22			that he felt on his face, chest,
23			and intimate parts while they were in a holding cell
24			following this incident. Ex.
25			28, Mejia Dep. 93:12-94:8.
26			
27			
28			

SUF No.  61. At 6:46:56, one officer grabbed Plaintiff Campos and Plaintiff Campos fell to the ground. The same officer then picked up Plaintiff Campos.  8	1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
No.   61.   At 6:46:56, one officer grabbed Plaintiff Campos and Plaintiff Campos fell to the ground. The same officer then picked up Plaintiff Campos and quickly placed him against a wall to gain control of Plaintiff Campos Depo. J at 108:3-13,112:13-113:6, 113:20-23, 202:20-24, 205:25-206:3.     PLAINTIFF' RESPONSE: Objection. Calls for speculation, vague and ambiguous as to the term "placed".   Disputed. Plaintiff Campos was in pain and blinded by the OC spray. He was trying to use his hands to wipe the OC spray from his face as the officers were grabbing at his hands. Instead of allowing Plaintiff Campos to wipe his face they grabbed him and threw him to the ground. Ex. 24, Campos Depo. June 13-12.				EVIDENTIANT SULLONI
61. Campos and Plaintiff Campos fell to the ground. The same officer then picked up Plaintiff Campos and quickly placed him against a wall to gain control of Plaintiff Campos Depo.] at 108:3-13,112:13-113:6, 113:20-23, 202:20-24, 205:25-206:3.  PLAINTIFFS' RESPONSE: Objection. Calls for speculation, vague and ambiguous as to the term "placed". Disputed. Plaintiff Campos was in pain and blinded by the OC spray. He was trying to use his hands to wipe the OC spray from his face as the officers were grabbing at his hands. Instead of allowing Plaintiff Campos to wipe his face they grabbed him and threw him to the ground. Ex. 24, Campos Dep. 106:20-107:2.  The officer violently put Plaintiff Campos from the table, but Plaintiff Campos from the table, but Plaintiff Campos from the table, but Plaintiff Campos to continued to refuse to stand up (despite having just demonstrated he could walk). Two officers lifted Plaintiff Campos to Plaintiff Campos was in pain				
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21 22 arm and injuring his shoulder. Ex. 24, Campos Dep. 108:3- 12. 23 62. Plaintiff Campos then returned to the table. Immediately thereafter, a different officer tried to pull Plaintiff Campos from the table, but Plaintiff Campos continued to refuse to stand up (despite having just demonstrated he could walk). Two officers lifted Plaintiff Campos to Plaintiff Campos was in pain				
Ex. 24, Campos Dep. 108:3- 12. 23				<u> </u>
22   62. Plaintiff Campos then returned to the table. Immediately thereafter, a different officer tried to pull Plaintiff Campos from the table, but Plaintiff Campos continued to refuse to stand up (despite having just demonstrated he could walk).  24   25   26   27   27   28   29   29   29   29   29   29   29	21			ů ů
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having just demonstrated he could walk). calls for speculation. Two officers lifted Plaintiff Campos to Plaintiff Campos was in pain	25		_	
	26			· ·
take him out and, eventually, Plaintiff   and blinded by the OC spray	27		<u> </u>	_
28 Lanc min out and, eventually, I familie and office of the Se spray.	28		take him out and, eventually, Plaintiff	and blinded by the OC spray.

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SOLTORI
	No.		
3		Campos stood up on his own to exit the	He was trying to use his hands
4		dorm.	to wipe the OC spray from his face as the officers were
5			grabbing at his hands. Instead
6			of allowing Plaintiff Campos
7			to wipe his face they grabbed
8			him and threw him to the ground. Ex. 24, Campos Dep.
			106:20-107:2.
9			An officer violently put
10			Plaintiff Campos against the
11			wall, bending Campos' right
12			arm and injuring his shoulder. Ex. 24, Campos Dep. 108:3-
			12.
13			One officer grabbed his
14			stomach and one grabbed one
15			of his feet and they made him
16			hop on one foot. Ex. 24, Campos Dep. 108:15-19.
17	63.	Plaintiff Campos admitted that he was	Ex. "O" [Campos Depo.] at
		never struck, kicked, or punched during	111:5-113:6, 113:8-18,
18		the entire incident, and he admits that he	113:24-114:7, 114:24-115:20,
19		was never "brutally beaten" as alleged in his operative complaint.	205:13-18.
20		ins operative complaint.	PLAINTIFFS' RESPONSE:
21			Objection. Lacks foundation,
			calls for speculation.
22			Disputed. Plaintiff Campos
23			was in pain and blinded by the OC spray. He was trying to
24			use his hands to wipe the OC
25			spray from his face as the
26			officers were grabbing at his
			hands. Instead of allowing Plaintiff Campos to wipe his
27			face they grabbed him and
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3   4			threw him to the ground. Ex. 24, Campos Dep. 106:20-
5			107:2. An officer violently put
6			Plaintiff Campos against the
7			wall, bending Campos' right
8			arm and injuring his shoulder. Ex. 24, Campos Dep. 108:3-
9			12.
			One officer grabbed his
10			stomach and one grabbed one of his feet and they made him
11			hop on one foot. Ex. 24,
12	64.	At 6.47.01 Plaintiff Diag was assented	Campos Dep. 108:15-19.
13	04.	At 6:47:01, Plaintiff Diaz was escorted out of the dorm by an officer without	Ex. "F" [Video recording] at 6:47:01-6:47:24; Ex. "T"
14		issue.	[Diaz Depo] at 59:4-11.
15			PLAINTIFFS' RESPONSE:
16			Objection. Calls for
17			speculation.
18			Disputed. After Plaintiff Diaz was sprayed in the face with
19			OC spray he got up
20			screaming, blinded by the
			spray that had gone into his eyes and mouth. Ex. 26, Diaz
21			Dep. 58:15-59:8. Plaintiff
22			Diaz was injured as he was being pulled out: his arms
23			were hurting from having his
24			arms pulled back hard before
25			he was handcuffed. Ex. 26, Diaz Dep. 59:12-17.
26			Dial Dep. 37.12-17.
27			
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
$2 \parallel$	SUF	FACTS	
3	No.		F ((T) FD' D 1 . 5 ( 5
4	65.	At most, Plaintiff Diaz alleges that the officers "pinched" him, pulled on his	Ex. "T" [Diaz Depo] at 56:7- 25, 57:6-58:3, 83:21-23; Ex.
		arms in an effort to separate him from the	"Y" [GEO Martinez Depo.] at
5		other plaintiffs, and applied pressure	77:14-78:1 (explaining that
6		behind his ears; but admitted that no one ever punched him.	after presence and verbal commands fail to gain the
7		ever punence mm.	detainee's compliance,
8			pressure points can be utilized
9			and that there is a pressure
10			point behind the ear).
11			PLAINTIFFS' RESPONSE:
12			Objection. Lacks foundation,
			calls for speculation.  Disputed: GEO guards dug
13			their nails behind Plaintiff
14			Diaz' ears, dug their nails into
15			his hand, squeezing between the thumb and pointer finger,
16			and pinched/pulled the skin on
17			his sides near his ribs. Ex. 26,
18			Diaz Dep. 55:9-56:5, 57:6-10. After Plaintiff Diaz was
19			sprayed in the face with OC
			spray he got up screaming,
20			blinded by the spray that had gone into his eyes and mouth.
21			Ex. 26, Diaz Dep. 58:15-59:8.
22			Plaintiff Diaz was injured as
23			he was being pulled out: his
24			arms were hurting from having his arms pulled back
25			hard before he was
26			handcuffed. Ex. 26, Diaz Dep.
			59:12-17.
27			
28			

$1 \parallel$	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIART SOLIORI
	No.		
3   4	66.	Sgt. Campos returned to the table and despite having deployed OC spray,	Campos Decl. ¶¶ 13-14; Ex. "F" [Video recording] at
5		Plaintiff Cornejo was still actively resisting the officers, including Officer	6:47:09-6:47:54; Ex. "Y" [GEO Martinez Depo.] at
6		Martinez.	113:7-114:12, 115:11-117:19
7 8			PLAINTIFFS' RESPONSE:
9			Objection. Lacks foundation, calls for speculation, vague as
10			to "actively resisting."  Disputed. The video evidence
11			demonstrates that Plaintiff Cornejo was merely sitting at
12			the table, trying to clean his face with his shirt and protect
13			himself from the
14			overwhelming amount of
15			pepper spray that Sgt. Campos had just directly sprayed on
16 17			him. Ex. F, Video 6:47:09-6:47:24.
18	67.	Plaintiff Cornejo wrapped his legs to the table, which required three officers to try	Campos Decl. ¶ 14; Ex. "F" [Video recording] at 6:47:09-
19		to remove him.	6:47:54; Ex. "Y" [GEO
20			Martinez Depo.] at 113:7-114:12, 115:11-117:19.
21			PLAINTIFFS' RESPONSE:
22			Objection. Lacks foundation,
23			calls for speculation.
24			Disputed. Defendants' proffered evidence does not
25			support the entirety of this
26			contention. Officer Martinez testified that Plaintiff Cornejo
27			was resisting and somehow
28			ended up on the floor. Ex. 20,

1 2	Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
3 4			GEO Martinez Dep. 114:1-25. The video evidence
5			demonstrates that Plaintiff Cornejo was merely sitting at
6			the table, overcome by the
7			pepper spray that Sgt. Campos
8			had just directly sprayed on him, then was taken to the
			ground by three officers. Ex.
9			F, Video at 6:47:09 to
10			6:47:56.
11	68.	His refusal to stand up forced the officers to carry him out of the dorm.	Campos Decl. ¶ 14, Ex. "F" [Video recording] at 6:47:09-
12		to earry min out of the dorm.	6:47:54; Ex. "Y" [GEO
13			Martinez Depo.] at 113:7-
			114:12, 115:11-117:19.
14			PLAINTIFFS' RESPONSE:
15			Objection. Lacks foundation,
16			calls for speculation, vague
17			and ambiguous as to "forced."  Disputed. Plaintiff Cornejo
18			never refused to stand up, he
19			simply remained calm, tried to
20			wipe his face from the OC
			spray that Sgt. Campos had just deployed directly at him,
21			kept his head down, and never
22			raised his arms. Ex. 25,
23			Cornjeo Dep. 72:8-16; Ex. F,
24	L		Video at 6:47:09 to 6:47:56.
25			
26			
27			
28			

1 2	Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
3 4 5	69.	While Plaintiff Cornejo alleges that the officers hit him on the edge of the table, the video demonstrates that, instead,	Ex. "F" [Video recording] at 6:47:09-6:47:54; Ex. "N" [Cornejo Depo.] at 73:19-
		beginning at around 6:47:09, Cornejo grabbed the table to prevent the officers	74:14
6		from removing him.	PLAINTIFFS' RESPONSE:
7			Objection. Lacks foundation,
8			calls for speculation, not responsive to Plaintiffs
9			statement that he was struck.
10			Disputed. Defendants admit
11			this fact is disputed. The proffered evidence does not
12			support the contention that
13			Plaintiff Cornejo "grabbed the table to prevent the officers
14			from removing him." Plaintiff
15			Cornejo testified that he never
16			refused to get up. Rather, he simply kept his head down the
17			entire time. Ex. 25, Cornjeo
18			Dep. 72:8-16. He further testified that after being
19			sprayed, the officers then
			threw him on the ground,
20			causing him to hit the side of the table and bleed from his
21			abdomen and injured his knee.
22			Ex. 25, Cornejo Dep. 73:25-
23			74:14. Moreover, officers grabbed Plaintiff Cornejo by
24			his hands and feet, carried him
25			out of the dayroom, and threw
26			him on the ground in the recreation yard. Ex. 25,
27			Cornejo Dep. 63:9-21.
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		
	70.	By 6:48:19, Plaintiffs had been taken out of the dorm – i.e. 16 minutes after Diaz	Diaz Decl. ¶ 31.
4		had initially entered in an effort to quell	PLAINTIFFS' RESPONSE:
5		the disturbance caused by Plaintiffs.	Objection. Lacks foundation,
6			calls for speculation.
7			Disputed. Plaintiffs dispute
.			that they were removed from
8			the dorm by 06:48:19 a.m.
9			The video evidence
10			demonstrates that up to
			approximately 06:48:39 a.m., at least one Plaintiff is still in
11			the dorm being restrained by a
12			group of officers. Plaintiffs
13			further dispute that they
			caused a disturbance.
14	71.	Medical staff was present throughout the	Ex. "V" [Gillon Depo] at
15		entire incident in the dorm and confirmed	165:4-9; Ex. "W" [Jones
16		that the GEO officers did not strike Plaintiffs.	Depo.] at 101:23-25, 110:11-21, 114:4-10, 117:8-13,
		Fiamums.	120:25-121:8, 124:14-25.
17			120.23 121.0, 124.14 23.
18			PLAINTIFFS' RESPONSE:
19			Objection. Lacks foundation,
			calls for speculation, vague
20			and ambiguous as to the term "present."
21			Disputed. Defendants'
22			citations to Nurse Jones's
23			deposition do not in any way
			support what Defendants
24			contend. To the contrary:
25			Nurse Jones consistently
26			testified that she could not see how the guards handled
			Plaintiffs, that she could not
27			clearly see what was
28	<u>L</u>		

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		happening, that she did not
4			remember any specific actions
5			relating to the Plaintiffs, and that she was "paying more
6			attention to the background
7			with the other detainees [in
8			the bunks]." Ex. 21, Jones Dep. 110:8-112:1. She
9			reiterated this every time she
10			was questioned. Ex. 21, Jones Dep. 113:17-25; 114:1-3;
11			119:1-18; 121:9-24; 122:3-11;
12			128:17-129:2; 130:2-10; 137:10-138:5.
13			137.10 130.3.
14	72.	Additionally, throughout the entire incident, Plaintiffs' failure to comply	See Ex. "O" [Campos Depo.] at 90:11-91:22; Ex. "W"
15		with commands prompted the other	[Jones Depo.] at 103:20-
		detainees in the dorm to become	104:10; Ex. "Y" [GEO
16		disruptive and ignore the commands to return to their bunks, which Plaintiffs	Martinez Depo.] at 131:24-132:12, 133:1-18, 134:7-11.
17		acknowledged was a direct result of their	132.12, 133.1-10, 134.7-11.
18		conduct.	PLAINTIFFS' RESPONSE:
19			Objection. Lacks foundation, calls for speculation.
20			Disputed. Defendants'
21			proffered evidence does not
22			support the entirety of this contention. Nurse Jones
23			described that the other
24			detainees who were at their bunks did not start yelling
25			until the use of force. Prior to
26			that, they were only "visually
			observing and some were making noises." Ex. 21, Jones
27			Dep. 103:25-104:10.
28			

1			T
	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		Lt. Diaz herself testified at her
4			deposition that before the use
			of force, while Plaintiffs were
5			sitting quietly tables [Ex. 16,
6			Lt. Diaz Dep. 327:14-19],
7			there was nothing of concern
			happening in the bunks and
8			the situation was completely
9			under control [Ex. 16, Lt.
			Diaz Dep. 328:1-329:11,
10			331:7-9, 335:6-17]. The first
11			mention Lt. Diaz makes at her deposition about detainees
12			yelling is at approximately
			06:39:22, after the use of
13			force began [Ex. 16, Lt. Diaz
14			Dep. 347:25-348:10], but even
15			then, Diaz did not consider the
			situation to present a security
16			concern and no other officer
17			did either [Ex. 16, Lt. Diaz
10			Dep. 348:11-18].
18			Indeed, Nurse Jones was able
19			to get many of the detainees to calm down just by asking. She
20			asked a detainee who spoke
21			many languages to tell the
21			others to calm down. He did
22			and the majority of the
23			detainees complied. Ex. 21,
			Jones Dep. 116:23-117:7.
24			Similarly, Officer Jindi
25			testified that after Lt. Diaz
26			sprayed, the detainees on the top tiers grew agitated and
			began coughing. Ex. 18, Jindi
27			Dep. 53:3-14. She further
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	Z , IDZ , IIII
3	No.		4-4-C-14h-4-C
4			testified that after she told the detainees to calm down and
5			not make the situation worse,
6			they complied with her orders. Ex. 18, Jindi Dep. 51:10-52:2.
7			Plaintiffs only heard the other detainees in the dorm shout
8			after OC spray was dispersed
9			in the dorm. Ex. 23, Castillo Dep. 81:23-82:6.
10	73.	Also, while Officer Jindi was present	Ex. "X" [Jindi Depo.] at
11		during the incident, she was not involved in any use of force.	50:24-51:4, 51:10-16, 52:3-5, 69:1-4.
12		and the second s	
13			<u>PLAINTIFFS' RESPONSE</u> : Undisputed.
14			
15			
16			
17 18			
19 20			
21			
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ll l	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.	A.C. 1.1	
4	74.	After each plaintiff was removed from the dorm, they were taken to the	Ex. "N" [Cornejo Depo.] at 76:9-78:6; Ex. "O" [Campos
		recreation yard where they were	Depo.] 116:2-6; Ex. "P"
5		handcuffed (if they had not already been	[Castillo Depo.] at 95:8-21,
6		handcuffed inside the dorm) and Officer	96:5-11; Ex. "Q" [Mejia
7		Gillon, Officer Martinez, Officer Reyes,	Depo.] at 81:19-25, 83:2-11;
8		Sgt. Campos, and Lt. Diaz had no further contact with them.	Ex. "R" [Rodriguez Depo.] at 108:15-23; Ex. "T" [Diaz
		contact with them.	Depo] at 84:8-23; Ex. "U"
9			[Martinez Depo.] at 100:14-
10			24; Ex. "V" [Gillon Depo] at
11			118:22-119:5, 113:23-25,
12			114:7-10; Ex. "Y" [GEO Martinez Depo.] at 84:17-19,
			85:21-23, 87:1-9, 93:11-17,
13			110:10-19; 117:24-118:3,
14			118:18-119:1; Ex. "Z" [Reyes
15			Depo.] at 117:19-118:13,
16			119:1-20; Campos Decl. ¶ 14; Diaz Decl. ¶ 31.
17			Blaz Beel.    31.
-			<b>PLAINTIFFS' RESPONSE</b> :
18			Objection. Lacks foundation,
19			calls for speculation.  Disputed. Plaintiffs admit that
20			Officers Gillon, Martinez,
21			Reyes, and Sgt. Campos had
			no further contact with
22			Plaintiffs.
23			Plaintiffs dispute that Lt. Diaz had no further contact with
24			them. After Plaintiffs were
25			taken to a holding cell, Lt.
			Diaz observed Plaintiffs being
26			transported while handcuffed
27			and, at approximately 3:00 p.m. and did, without seeking
28			pini una aia, miniout scoking

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		the approval of the Escility
4			the approval of the Facility Administrator. Ex. 16, Lt.
5			Diaz Dep. 277:12-17, 277:25-
6			278:23. Additionally, Lt. Diaz issued orders placing
7			Plaintiffs in administrative
8			segregation. Ex. 2, Plaintiffs' Segregation Orders.
9			
10			
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1	D.C.	LINGONEDOVEDED MAREDIAL	EVIDENCIA DV CUDDODÆ
	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
2	No.	FACIS	
3	75.	Thereafter, they were transported from	Ex. "N" [Cornejo Depo.] at
4		the recreation yard to another room	78:25-79:2; Ex. "O" [Campos
5		where Plaintiffs admitted they were seen	Depo.] at 119:6-19, 129:16-
6		by medical staff.	23; Ex. "P" [Castillo Depo.] at 101:13-103:6, 103:22-3; Ex.
			"Q" [Mejia Depo.] at 39:4-10,
7			84:3-24; Ex. "R" [Rodriguez
8			Depo.] at 111:6-112:7,
9			113:18-114:2; Ex. "S" [Garcia   Depo.] at 47:25-48:13; Ex.
10			"T" [Diaz Depo] at 89:8-13;
11			Ex. "U" [Martinez Depo.] at
			60:18-19, 126:4-19; Ex. "W"
12			[Jones Depo.] at 143:14- 144:25, 149:2-21 [after a use
13			of force incident, medical is
14			required to take the detainee's
15			vitals and review a
16			questionnaire], 153:8-154:24 [responded to intake to
			evaluate Plaintiffs after they
17			were cleared to see medical],
18			155:23-156:12, 163:20-24
19			[recalled that only one plaintiff had a specific
20			complaint], 174:15-175:5.
21			,
22			PLAINTIFFS' RESPONSE:
			Objection. Calls for speculation.
23			Disputed.
24			LVN Jones was not able to
25			see Plaintiffs until after they
26			were cleared by security. Ex. 21, Jones Dep. 144:5-8.
27			LVN Jones did not help
			Plaintiffs decontaminate from
28			

Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
		the OC spray, she only saw them to clear them to be placed in the restricted housing unit (RHU clearance). LVN Jones provided no treatment for Plaintiffs' injuries, all she did was check their vital signs, give a general health assessment and fill out of the body incident sheet. Ex. 21, Jones Dep. 144:14-22. Moreover, LVN Jones did not see Plaintiffs until she medically cleared approximately 80 detainees in the recreation yard. Ex. 21,
		Jones Dep. 130:19-131:25, 138:19-139:7. Plaintiffs were forced to wait at least 2 ½
		hours after they were exposed to OC spray before they received any sort of medical
		examination. Ex. 7, Medical
		Reports; Ex. 21, Jones Dep. 176:11-15, 177:18-25,
		205:25-206:3.

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
	SUF	FACTS	EVIDENTIART SUITORT
2	No.		
3	76.	Additionally, all Plaintiffs were	Diaz Decl. ¶¶ 34-35;
4		decontaminated (placed in showers to	McCusker Decl. ¶ 9; Ex. "H"
5		rinse off the OC spray with water) and provided new uniforms.	[GEO's Use of Force policy]; Ex. "N" [Cornejo Depo.] at
6		provided new uniforms.	76:9-78:6, 78:25-79:2, 82:14-
7			17; Ex. "O" [Campos Depo.]
			at 119:6-19, 129:16-23,
8			130:13-17; Ex. "P" [Castillo
9			Depo.] at 104:18-105:9; Ex. "Q" [Mejia Depo.] at 86:18-
10			22, 87:22-88:19, 90:2-8,
11			91:16-92:4, 96:24-97:14; Ex. "R" [Rodriguez Depo.] at
12			163:9-164:8 [estimated that a
13			half an hour after the incident
14			he was decontaminated and in
			a new uniform]; Ex. "S" [Garcia Depo.] at 48:15-25;
15			Ex. "T" [Diaz Depo] at 86:12-
16			22; Ex. "U" [Martinez Depo.]
17			at 55:6-11; 58:2-5, 58:14-19,
18			104:6-18, 108:11-25
19			PLAINTIFFS' RESPONSE:
20			Objection. Lacks foundation,
			calls for speculation.  Disputed. The manner in
21			which Plaintiffs were
22			decontaminated, i.e.
23			handcuffed, in their pepper
24			spray-drenched clothing, and with hot water, is not the
25			accepted practice of OC spray
			decontamination. Decl. of
26			Venters (incorporating Expert Report at 5-6); Ex. 16, Lt.
27			Diaz Dep. 153:25-154:10,
28			,,,,,,,,,

1	Dofa?	LINCONTRONIEDTED MATERIAL	EVIDENTIA DV CUDDODT
$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
	No.	212022	
3			154: 21-155:11, 155:24-156:3,
4			158:3-13 (explaining that
5			GEO officers are trained that hot showers will exacerbate
6			OC spray pain and clothing
7			with OC spray should be
			removed).
8			Additionally, some Plaintiffs, after recognizing that some of
9			their friends were in extreme
10			pain, refused to shower in the
11			hot water. Ex. 27, Martinez Dep. 55:6-25; Ex. 28, Mejia
12			Dep. 90:9-92:4; Ex. 29,
13			Garcia Dep. 48:15-20 ("I
14			heard the scream from the others from the burn, and they
			said we shouldn't take
15			showers, the rest of us.").
16	77.	While Plaintiffs claim the	McCusker Decl. ¶ 9; Diaz
17		decontamination process was intended to	Decl. ¶ 8; Ex. "H" [GEO's
18		further their injuries, it was not. Water,	Use of Force policy].
19		which is the method used at the Facility for decontamination purposes, does	PLAINTIFFS' RESPONSE:
20		reactivate the tingling sensation caused	Objection. Lacks foundation,
21		by the OC spray; however, it is necessary	calls for speculation, vague
22		to remove the spray.	and ambiguous as to the term "tingling sensation"
			Disputed. The manner in
23			which Plaintiffs were
24			decontaminated, i.e.
25			handcuffed, in their pepper spray-drenched clothing, and
26			with hot water, is not the
27			accepted practice of OC spray
28			decontamination. Decl. of Venters (incorporating Expert
20			, enters (meorporuming Expert

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIANT SOLLONI
	No.		
3			Report at 5-6); Ex. 16, Lt.
4			Diaz Dep. 153:25-154:10,
5			154: 21-155:11, 155:24-156:3,
6			158:3-13 (explaining that GEO officers are trained that
6			hot showers will exacerbate
7			OC spray pain and clothing
8			with OC spray should be
9			removed).
9			Further, GEO officers who are
10			OC sprayed during training at the Facility are
11			decontaminated in accordance
12			with accepted practices,
13			unlike the decontamination
_			Plaintiffs received in this
14			instance. Ex. 16, Lt. Diaz
15			Dep. 152: 18-24 (eyes were flushed with cold water and a
16			fan was used to relieve the
			stinging sensation during OC
17			spray training).
18			GEO officers exposed to OC
19			spay during the incident were
			decontaminated in accordance
20			with accepted practices, unlike the decontamination
21			Plaintiffs received. Ex. 19,
22			Juarez Dep. 18:6 (use cold
23			water), 79:22-80:19
			(immediate eye flush), 41:14-
24			24 (attended by medical staff);
25			Ex. 16, Reyes Dep. 125:11-25
26			(attended by nurse in medical
			dept., eyes flushed, provided water and soap to wash with),
27			138:7-18, 139:10-20 (sent for
28			2, 2222 23 (3522 231

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		off-site medical evaluation by
4			a doctor)
			Importantly, GEO Officer
5			Reyes, who only vicariously
6			came into contact with the OC
7			spray that was deployed on
			Plaintiffs, was decontaminated
8			significantly different than
9			Plaintiffs were. Officer Reyes had his eyes flushed with cold
10			water in the eyewash station
			that was available in the same
11			decontamination area that
12			Plaintiffs were in. He was
13			also transported to an off-site
14			urgent care for further
			assessment. Ex. 21, Jones Dep. 171:17-173:16, 175:16-
15			176-5; Ex. 16, Reyes Dep.
16			125:11-25, 138:7-18, 139:10-
17			20.
			Plaintiffs who were placed in
18			the showers testified that they
19			were agonizing over the
20			overwhelming pain while showering but the officers did
			not stop. Ex. 25, Cornejo
21			Dep. 77:2-78:24, 80:9-13,
22			80:25-81:6 ("at the moment
23			when I was showering,
24			because they put me in like
			this, my head in like this
25			(indicating), where the where the showerhead was,
26			and I was telling them to stop
27			because only my head was in
			like this (indicating) and I was
28			

2	Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
3   - 4   5 6			having a hard time breathing. And he wouldn't stop from keeping my head in like this (indicating), and I felt the water very hot.").
7			
8			
9			
$\begin{bmatrix} 10 \\ 11 \end{bmatrix}$	78.	After Plaintiffs were decontaminated and	McCusker Decl. ¶¶ 9, 12; Ex.
12		seen by medical staff, they were taken to administrative segregation.	"H" [GEO's Use of Force policy]; Ex. "A" [Detainee
13		administrative segregation.	Handbook –"Disciplinary
14			Segregation"]; Ex. "I" [GEO's Restrictive Housing Units
15			policy]; Ex. "O" [Campos
16			Depo.] at 133:1-134:7; Ex. "Q" [Mejia Depo.] at 97:21-
17			98:4; Ex. "R" [Rodriguez Depo.] at 113:6-14; Ex. "S"
18			[Garcia Depo.] at 50:11-15,
19			55:21-56:8
20			PLAINTIFFS' RESPONSE:
21			Objection. Lacks foundation, calls for speculation, vague as
22			to "decontaminated" vague as
23			to "seen"  Disputed As stated above in
24			Disputed. As stated above in response to contentions 76 &
25			77, Plaintiffs were not
26   L			appropriately decontaminated.
27			
8			

1	D. C.		
	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
2	No.	FACIS	
3	79.	Plaintiffs were informed that there was an	McCusker Decl. ¶ 13; Diaz
4	19.	investigation as a result of their conduct	Decl. ¶¶ 38-40; Ex. "A"
		and a potential for discipline.	[Detainee Handbook –
5			"Disciplinary Segregation"];
6			Ex. "C" [Administrative
7			Segregation Orders related to
8			Plaintiffs]; Ex. "D" [Incident of Prohibited Acts and Notice
			of Charges related to
9			Plaintiffs]; Ex. "I" [GEO's
10			Restrictive Housing Units
11			policy]; Ex. "N" [Cornejo
12			Depo.] at 87:7-19; Ex. "O"
			[Campos Depo.] at 133:1- 134:7; Ex. "P" [Castillo
13			Depo.] at 111:6-24; Ex. "Q"
14			[Mejia Depo.] at 98:9-99:13,
15			156:10-21; Ex. "R"
16			[Rodriguez Depo.] at 153:13-
			154:19; Ex. "S" [Garcia Depo.] at 50:11-15, 55:21-
17			56:8; Ex. "U" [Martinez
18			Depo.] at 70:17-20.
19			_
			PLAINTIFFS' RESPONSE:
20	90	Disintiff Mails admitted that he was	Undisputed.
21	80.	Plaintiff Mejia admitted that he was given the opportunity to express that he	Ex. "Q" [Mejia Depo.] at 99:23-100:6, 101:14-102:5,
22		did not feel he had done anything wrong	162:6-163:5.
23		(however, at his deposition he	
		acknowledged that his actions were	PLAINTIFFS' RESPONSE:
24		wrong).	Objection. Vague as to
25			"opportunity", vague as to "wrong"
26			Disputed. Defendants'
27			proffered evidence does not
			support this contention.
28			

$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
	No.		
3   - 4   5 6   7   8   9			Plaintiff acknowledged that he made a statement to that effect to a GEO officer at which time the officer also told him that GEO's actions were wrong, but Plaintiff did not reaffirm any admission or specify which action. <i>Id.</i> 162:6-163:5.
$_{10}$	81.	Later, they were informed that the	McCusker Decl. ¶ 13; Diaz
11		outcome of the investigation related to their failure to follow commands and	Decl. ¶¶ 37-40; Ex. "A"  [Detainee Handbook –
12		engage in a group demonstration	"Disciplinary Segregation"];
13		mandated they would be disciplined.	Ex. "C" [Administrative Segregation Orders related to
14			Plaintiffs]; Ex. "D" [Incident
15			of Prohibited Acts and Notice of Charges related to
16			Plaintiffs]; Ex. "I" [GEO's
17			Restrictive Housing Units policy]; Ex. "N" [Cornejo
18			Depo.] at 88:7-89-20, 91:8-
19			92:6; Ex. "O" [Campos Depo.] at 177:11-16; Ex. "S"
20			[Garcia Depo.] at 50:11-15,
21			55:21-56:8; Ex. "T" [Diaz Depo] at 136:6-11.
22			Depoj at 130.0 11.
23			PLAINTIFFS' RESPONSE:
24			Objection. Lacks foundation, calls for speculation.
$\begin{bmatrix} 24 \\ 25 \end{bmatrix}$			Undisputed.
26			
27			
28			

11 1	Defs' SUF	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
	No.		
$3 \mid \boxed{8}$	32.	Pursuant to GEO policy and procedure, it	McCusker Decl. ¶ 12; Diaz
4		is appropriate to place detainees in	Decl. ¶¶ 37-40; Ex. "A"
5		administrative segregation during a	[Detainee Handbook –
6		pending investigation and, thereafter, segregation if guilt is established – which	"Disciplinary Segregation"]; Ex. "C" [Administrative
		is the case here (Plaintiffs were found in	Segregation Orders related to
7		violation of Rule 213, which prohibits	Plaintiffs]; Ex. "D" [Incident
8		inciting or engaging in group	of Prohibited Acts and Notice
9		demonstrations). A detainee can only be	of Charges related to
		placed in disciplinary segregation after a	Plaintiffs]; Ex. "I" [GEO's
.0		finding by the Institution Disciplinary	Restrictive Housing Units
11		Panel or equivalent that the detainee is guilty of a rule violation.	policy].
12		guilty of a fulc violation.	PLAINTIFFS' RESPONSE:
3			Objection. Lacks foundation,
			calls for speculation.
4			Disputed. GEO policy and
5			procedure provides that
6			administrative segregation is
			meant to serve a non-punitive purpose and should only be
7			used to ensure "the safety of
8			detainees or others or the
9			security or good order of the
			facility." Even when a
0			disciplinary investigation is
1			pending, pre-disciplinary- hearing detention should be
$22 \parallel \parallel$			ordered only as necessary to
23			prevent further rule
			violation(s) or to protect the
4			security and orderly operation
5			of the facility. Ex. I, GEO
26			Restrictive Housing Unit
			Policy at GEO01972. Lt. Diaz testified that
7			following the use of force and
8   -		I	are use or love und

1	D 0.4		
	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	110.		after the Plaintiffs were
4			transported to medical, she
5			observed Plaintiffs being
			transported out of medical
6			once they were showered and
7			provided new uniforms. Significantly, she testified that
8			Plaintiffs were not acting
9			belligerent and were calm.
			Other than observing their
10			calm demeanor, Lt. Diaz had
11			no further interactions with Plaintiffs. Still, she
12			determined that they should
13			be placed in administrative
			segregation. Ex. 16, Lt. Diaz
14			Dep. 274:17-21, 275:16-
15	83.	While in aggregation Plaintiffs years	276:25, 277:12-17.
16	03.	While in segregation, Plaintiffs were provided medical care, checked on by	Ex. "P" [Castillo Depo.] at 108:6-13; Ex. "Q" [Mejia
17		GEO staff, and given access to showers	Depo.] at 103:1-22; Ex. "S"
		and phones.	[Garcia Depo.] at 67:8-11; Ex.
18			"U" [Martinez Depo.] at
19			151:6-10; 151:21-152:2
20			PLAINTIFFS' RESPONSE:
21			Objection. Lacks foundation,
			calls for speculation.
22			Disputed. Plaintiffs do not
23			dispute that they were given access to showers while in
24			segregation. Plaintiffs dispute
25			that they had meaningful
			access to phones, as the
26			evidence demonstrates that
27			various phone numbers that Plaintiffs contacted were
28			1 minums contacted were
II			

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1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		blocked following the
4			incident. Ex. 29, Garcia Dep.
			57:2-58:4, 58:6-22, 59:59:4-
5			23, 63:10-12, 63:25-64:2; Ex.
6			24, Campos Dep. 147:15-21,
7			148:9-11, 148:15-25; Ex. 26,
			Diaz Dep. 93:24-95:5; Ex. 23,
8			Castillo Dep. 112:23-113:19;
9			Ex. 25, Cornejo Dep. 94:4-11,
10			94:16-95:11, 97:2-6, 97:21- 98:6, 99:11-13, 100:11-13;
			Ex. 41, Nicole Ramos Letters.
11			Plaintiffs further dispute that
12			they were provided adequate
13			medical care and checked on
			by GEO staff. Even when
14			Plaintiffs were seen by
15			medical because of their
16			declared a hunger strike, they were not given medical
			treatment for the injuries
17			sustained during the use of
18			force. Ex. 23, Castillo Dep.
19			138:6-16.
	84.	Plaintiff Campos admitted that he had no	Ex. "O" [Campos Depo.]
20		issues contacting his attorney while in	141:9-12, 142:15-18, 145:9-
21		segregation, and stated that he only had	24, 146:13-17, 202:21-203:12,
22		an issue reaching his attorney for <i>one</i> day; yet, he never informed GEO of the	204:1-11.
23		alleged issue.	PLAINTIFFS' RESPONSE:
			Disputed. Plaintiff Campos
24			testified that while he was not
25			blocked from calling his
26			attorney in segregation, he
			was blocked from calling his attorney while he was in the
27			tank and that when he asked
28		<u> </u>	and that when he asked

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	EVIDENTIANT SOLITON
	No.		
3			another detainee to dial his
4			(Campos's) attorney's
5			number, that detainee also
6			received a message saying the phone number had been
			blocked. Ex. 24, Campos Dep.
7			141:15-142:5. The only way
8			Plaintiff Campos was able to
9			relay information to his
10			attorney was by calling his
			uncle, who would pass on information to his attorney.
11			Ex. 24, Campos Dep. 143:22-
12			144:19.
13			Plaintiff Campos testified that
			he spent one day trying
14			(unsuccessfully) to contact his attorney, but that it was an
15			additional three to five days
16			that he was not able to reach
17			her, and that it was only once
			she sent someone from her
18			office to visit him in-person at the Facility that he could
19			communicate directly with his
20			legal team. Ex. 24, Campos
21			Dep. 147:15-21, 148:9-11,
			148:15-25.
22			Plaintiff Campos's
23			immigration attorney's efforts to contact GEO personnel and
24			ICE officials regarding the
25			phone blocks that interfered
			with Plaintiff Campos's
26			access to counsel similarly
27			demonstrate that this issue was not immediately resolved.
28		1	was not infinediately resorved.
II			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		Ex. 41, Nicole Ramos Letter;
4			Ex. 51, Nicole Ramos Emails.
5			,
6			
7			
8			
9	85.	Plaintiff Garcia claimed that he was not	Ex. "S" [Garcia Depo.] at
10		permitted to contact his attorney after the	58:6-59:23, 64:6-65:4.
11		incident; yet, he was permitted to visit with his attorney.	PLAINTIFFS' RESPONSE:
12			Disputed. Plaintiff Garcia
13			testified that was blocked
14			from calling his attorney and his entire legal team for the
			entire time he was in
15			segregation (ten days), during
16			which he was also not allowed any visits. Ex. 29, Garcia Dep.
17			57:2-58:4, 58:6-22, 59:4-23,
18			63:25-64:2. His calls to his
19			attorney remained blocked
20			even after he was returned to the dormitory and was able to
			make calls to other phone
21			numbers. Ex. 29, Garcia Dep.
22			64:7-8. It was not until after
23			his attorney visited and obtained a new phone number
24			that Plaintiff Garcia was able
25			to make telephone calls to his
			attorney from the Facility. Ex.
26			29, Garcia Dep. 64:16-21. GEO never unblocked his
27			calls to his attorney's original
28			number. Ex. 29, Garcia Dep.

Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
		65:10-12.
86.	After the visit, Plaintiff Garcia's attorney gave him a new number to call and he was able to contact his attorney.	Ex. "S" [Garcia Depo.] at 58:6-59:23, 64:6-65:4.  PLAINTIFFS' RESPONSE: Undisputed.
87.	Plaintiff Diaz stated that he had an issue contact his attorney; however, once his attorney spoke to GEO staff about the issue (since Diaz never raised the issue with GEO), the issue was resolved.	Ex. "T" [Diaz Depo] at 94:19-21, 99:19-22, 100:1-3.  PLAINTIFFS' RESPONSE: Objection. Lacks foundation, calls for speculation. Disputed. Plaintiff Diaz stated that immediately after the June 12, 2017 incident, he was blocked from calling his attorney and all of his other previously-dialed numbers, including his family and an immigration advocate who was assisting him with his immigration case. Ex. 26, Diaz Dep. 93:24-95:5. Plaintiff Diaz further testified that he was blocked from speaking with his attorney until his attorney to visit him at Adelanto in-person, and that the issue was resolved

Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
		sometime thereafter. Ex. 26, Diaz Dep. 99:19-22.
88.	Plaintiff Martinez claimed that GEO staff	Ex. "U" [Martinez Depo.] at
	restricted his ability to contact his attorney and as soon as he raised the	156:16-158:7, 158:14-159:3
	issue to GEO staff, the issue was	PLAINTIFFS' RESPONSE:
	resolved.	Objection. Lacks foundation, calls for speculation.
		Disputed. Defendants'
		contention is unsupported by the proffered evidence.
		Plaintiff Martinez testified
		that phone numbers for his
		attorney, his ex-wife, and his daughters were blocked. He
		submitted a grievance
		concerning the phone blocks, "but a long time passed before
		they unblocked the numbers"
		and not all phone numbers associated with people he
		communicated with were
		unblocked. Ex. 27, Martinez Dep. 157:4-8, 158:2-159:3;
		Ex. 43, Martinez Grievances;
		Ex. 44, Martinez Audio Recording.
		Plaintiff Martinez's
		immigration attorney's efforts
		to contact GEO personnel and ICE officials regarding the
		phone blocks that interfered

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1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF No.	FACTS	
3	140.		with Plaintiff Martinez's
4			access to counsel similarly
5			demonstrate that this issue
			was not immediately resolved. Ex. 41, Nicole Ramos Letter;
6			Ex. 41, Nicole Ramos Letter, Ex. 51, Nicole Ramos Emails.
7			
8	89.	Plaintiffs Cornejo and Castillo admitted	Ex. "N" [Cornejo Depo.] at
9		that they did not have issues contacting their attorneys.	94:4-95:11, 97:2-17 (stating he only had issues contacting
10		then attorneys.	his friend after the incident),
11			98:2-6, 100:1-4, 100:11-21;
12			Ex. "P" [Castillo Depo.] 22:1-8 [permitted to make calls
13			while in segregation to
			persons on his "approved call
14			list"], 112:15-113:5.
15			PLAINTIFFS' RESPONSE:
16			Objection. Lacks foundation,
17			calls for speculation.
18			Disputed. Defendants' proffered evidence does not
19			support the entirety of this
20			contention. Plaintiff Castillo
21			simply testified that, at the time of his deposition, he
			could not remember whether
22			he had problems contacting
23			his immigration attorney. He further testified that he had
24			problems contacting his
25			mother, brother, and sister, as
26			well as other individuals that were part of his support group
27			because their phone numbers
			were blocked. Ex. 23,
28			

$2 \  \mathbf{S} \ $	efs' UF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
3 4 5 6 7 8 9 0 1 2 3 4 5 6 7 8 9 9 0 1 2 8 9 9			Castillo Dep. 112:23-113:19. Although Plaintiff Castillo was able to contact individuals on his approved call list while in segregation, once he was removed from segregation and was able to contact individuals outside of his approved list, those individuals' phone numbers were also blocked after he reported details about the use of force. Ex. 23, Castillo Dep. 22:1-23:10. Similarly, Plaintiff Cornejo only clarified who his immigration attorney is and that his friend Alex's phone number was blocked, but he could not remember what other phone numbers were blocked following the use of force. Ex. 25, Cornejo Dep. 94:4-11, 94:16-95:11, 97:2-6, 97:21-98:6, 99:11-13, 100:11-13.
20			
21			
22			
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4			
;			
;			

1 2	Defs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
3 4 5 6 7 8 9 10	90.	Plaintiffs Cornejo, Campos, Castillo, and Rodriguez admitted that they never filed grievances or complaints to GEO about mistreatment or the use of force incident.	Ex. "N" [Cornejo Depo.] at 35:20-22; Ex. "O" [Campos Depo.] at 18:23-19:19, 66:5-20, 138:5-12; Ex. "P" [Castillo Depo.] at 61:11-62:6 [complained to ICE about mistreatment by GEO guards but never filed complaint or grievance to GEO], 110:25-111:2; Ex. "R" [Rodriguez Depo.] at 66:11-12, 127:18-21.
12			PLAINTIFFS'
13			RESPONSE:.
14			Disputed. The American Civil Liberties Union
15			submitted a complaint on behalf of Plaintiffs with
16			Gabriel Valdez, the assistant
17			field office director at
18			Adelanto Detention Center. The letter detailed the assault,
19			retaliation, and phone blocks.
20			Ex. 48, ACLU letter. Moreover, Plaintiff Castillo
21			filed a grievance regarding the
22			incident with ICE. Ex. 50, Plaintiffs' Grievances to ICE,
23			at GEO00916.
24			
25			
26			
27			
28			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
	SUF	FACTS	EVIDENTIART SUITORT
2	No.		
3	91.	Plaintiff Mejia claims that he filed a	Ex. "Q" [Mejia Depo.] at
4		complaint/grievance; yet, he has no	48:1-25, 50:11-16
5		recollection as to what the subject matter	
6		of the complaint/grievance.	PLAINTIFFS' RESPONSE: Objection. Lacks foundation,
			calls for speculation.
7			Disputed. The American
8			Civil Liberties Union
9			submitted a complaint on behalf of Plaintiffs with
10			Gabriel Valdez, the assistant
11			field office director at
			Adelanto Detention Center.
12			The letter detailed the assault,
13			retaliation, and phone blocks. Ex. 48, ACLU letter.
14			Moreover, Plaintiff Mejia
15			filed a grievance with ICE
			regarding the GEO officer's
16			use of force. Ex. 50,
17			Plaintiffs' Grievances to ICE, at GEO01088.
18	92.	GEO officers do <i>not</i> have access to	Diaz Decl. ¶¶ 43-45; Ex. "V"
19		detainee complaints/grievance and, thus,	[Gillon Depo] at 24:6-11; Ex.
		have no means of determining which	"Z" [Reyes Depo.] at 47:4-10;
20		detainees have filed complaints/grievances.	Diaz Decl. ¶ 42.
21		complaints/grievances.	PLAINTIFFS' RESPONSE:
22			Objection. Lacks foundation,
23			relevance.
24			Disputed. When Officer
			Gillon was relieved from his post as dorm officer, he
25			reported the letter that
26			Plaintiffs gave him to his
27			supervisor, Lt. Diaz. Gillon
28			Dep. 90:19-21, 90:25-91:11.
-0			

1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
3	No.		The letter contained the
4			grievances that Plaintiffs tried
5			to raise with GEO and ICE
6			supervisors. Ex. 23, Castillo Dep. 73:20-74:25; Ex. 3, List
7			of Grievances. Lt. Diaz
			received this letter and rather
8			than address Plaintiffs' grievances, she deployed OC
9			spray on them. Ex. 16, Lt.
10			Diaz Dep. 187:2-9.
11	93.	Also, GEO personnel can only	Janecka Decl. ¶¶ 14-17;
12		recommend to ICE that a detainee have his/her access to the phones/restricted,	McCusker Decl. ¶ 14; Diaz Decl. ¶ 46; Campos Decl. ¶
13		but ICE has to make the final decision.	19; Ex. "J" [GEO's
			Communication policy].
14			PLAINTIFFS' RESPONSE:
15			Objection. Lacks foundation,
16			calls for speculation.
17			Disputed. When two Plaintiffs' immigration
18			attorney attempted to contact
19			the GEO group regarding
20			these phone blocks, GEO
			Officer Barry Belt responded to Plaintiffs' attorney and
21			explained that he was not
22			authorized to speak with her
23			regarding the phone block, and suggested that she contact
24			the warden or the chief
25			counsel's office. Ex. 42, Lt.
26			Belt Voicemail; Ex. 51, Attorney Nicole Ramos
27			Emails.
			<del>.</del>
28			

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1	Defs'	UNCONTROVERTED MATERIAL	EVIDENTIARY SUPPORT
2	SUF	FACTS	
	No.		
3	94.	After the use of force incident, the	Diaz Decl. ¶¶ 36, 47; Campos
4		incident was reviewed by supervisory	Decl. ¶ 17; Janecka Decl. ¶¶
5		staff and it was determined that the force	5-8; McCusker Decl. ¶¶ 10-
		was determined that the use of force was	11; Ex. "B" [Use of Force
6		reasonable and appropriate.	Report dated June 12, 2017];
7			Ex. "E" [After-Action Review
			Report Use of
8			Force/Restraints related to the
9			June 12, 2017, incident]; Ex.
			"F" [Video recording of
10			incident reviewed at the after-
11			action review]; Ex. "G" [SIR,
10			Notification and Emails to
12			GEO Corporate related to the
13			June 12, 2017, incident]; Ex.
1.4			"H" [GEO's Use of Force
14			policy]; Ex. "Z" [Reyes
15			Depo.] at 123:3-8.
16			PLAINTIFFS' RESPONSE:
17			Undisputed.
17			<u> </u>

## PLAINTIFFS' ADDITIONAL AFFIRMATIVE STATEMENT OF FACTS AS TO DEFENDANTS DIAZ AND CAMPOS

Pltfs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
1.	Plaintiffs, eight asylum seekers from Central America, arrived at Adelanto Detention Facility in May 2017.	Ex. 47, Plaintiffs' ICE Detention Orders.
2.	After enduring more than a month of degrading conditions and being deprived	Ex. 23, Castillo Dep. 63:10- 13, 74:21-75:20, 76:12-25;

1 2 3	Pltfs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
4 5 6 7 8		of basic human needs, Plaintiffs decided, as a group, they would begin a hunger strike until a GEO or ICE supervisor would address their complaints, and they wrote out a two-page letter in Spanish that explained this.	Ex. 25, Cornejo Dep. 52:25-54:16;
9 10 11 12	3.	The first page of the letter explained that Plaintiffs were starting a peaceful hunger strike and were requesting to speak with ICE officials and GEO supervisors.	Ex. 23, Castillo Dep. 73:1-8, 74:21-75:20.
13 14 15	4.	The second page of the letter consisted of Plaintiffs list of grievances and issues they wanted to raise with ICE and GEO officials.	Ex. 23, Castillo Dep. 73:20-74:25; Ex. 3, List of Grievances.
16 17 18	5.	On the morning of June 12, 2017, they presented their letter to Officer Gillon, the dorm officer, who was stationed at the podium in the dayroom.	Ex. 23, Castillo Dep. 73:1-8, 73:20-75:20; Ex. F, [Video, Views C-2 and C-4] at 06:22:24 a.m. to 6:23:01 a.m.
19 20 21	6.	Because Plaintiffs only speak Spanish, they asked other detainees to translate for them with the Officer Gillon.	Ex. 30, Rodriguez Dep. 95:9-22.
22 23 24	7.	Plaintiffs, through the detainee-interpreter, told Officer Gillon that they were on a hunger strike when they presented him with the letter.	Ex. 17, Gillon Dep. 86:11-87:15, 87:25-88:2.
25   26   27	8.	At approximately 6:29:59 a.m., Officer Jindi arrived to the dorm to relieve Officer Gillon.	Ex. 18, Jindi Dep. 58:23-25.
28	9.	When Officer Gillon was relieved from	Ex. 17, Gillon Dep. 90:19-

1	▎┍			
1 2 3		Pltfs' SUF No.	UNCONTROVERTED MATERIAL FACTS	EVIDENTIARY SUPPORT
4 5 6			his post as dorm officer, he reported the letter that Plaintiffs gave him to his supervisor, Lt. Diaz.	21, 90:25-91:11.
7 8		10.	Lt. Diaz was the First Watch supervisor on the morning of June 12, 2017.	Ex. 17, Gillon Dep. 91:6-8; Ex. 18, Jindi Dep. 35:4-8.
9 10 11 12		11.	At approximately 6:32:57 a.m., Lt. Diaz entered 2-Charlie with a group of officers and medical staff, waiving a canister of OC Spray in her hand.	Ex. F, [Video, View C-1] at 6:32:57 a.m.; Ex. 18, Jindi Dep. 63:18-64:5, 64:17-23, 65:5-9; Ex. 16, Lt. Diaz Dep. 319:2-14.
13 14 15		12.	GEO policy requires its officers to keep their OC canisters holstered unless a situation has arisen that requires its use.	Ex. 16, Lt. Diaz Dep. 319:15-22.
16 17 18 19 20		13.	No GEO Group policy permits the use of OC spray in response to a hunger strike.	Ex. 8, GEO Group Hunger Strike Response Plan (No. 15) at 2-3 (Sec. B); Ex. H, GEO Group Use of Force Policy (No. 10.2.15) at 9 (Sec. II(G)).
21 22		14.	GEO policy categorizes the deployment of chemical agents (i.e., OC spray) as a "Major Use of Force."	Ex. H, GEO Group Use of Force Policy (No. 10.2.15) at 3.
23   24   25   26   27		15.	Unless "immediate use" is necessary, GEO policy requires an officer to obtain authorization from the Facility Administrator (or his designee) before using OC spray in the Facility.	Ex. H, GEO Group Use of Force Policy (No. 10.2.15) at 3 & 9 (Sec. II(G)); Ex. 1, GEO Group Use of Force Training Presentation, Slide 32.
28		16.	A facility supervisor, or "Administrator of	Ex. 16, Lt. Diaz Dep.

1 2		the Day" is always available on-call.	268:10-269:10; Ex. 11, Janecka Dep. 59:7-60:20.
3	17.	In addition, an Administrative Duty Officer - an individual who carried the	Ex. 11, Janecka Dep.62:13- 24.
5		administrative duties through the weekends and after hours - was always	24.
6		stationed at the Facility.	
7	18.	Pursuant to GEO policy, the Facility Administrator may authorize the use of	Ex. H, GEO Group Use of Force Policy (No. 10-2.15)
8 9		OC spray only when the situation is such	at 9 (Sec. II(G)).
10		that the detainee: (1) is armed and/or barricaded, or (2) cannot be approached	
11		without danger to self or others; and (3) it is determined that a delay in bringing the	
12		situation under control would constitute a serious hazard to the detainee or others, or	
13		would result in a major disturbance or serious property damage.	
14 15	19.	GEO policy specifically sets forth that the	Ex. H, GEO Group Use of
16		use of OC spray is "not to be taken lightly" and that each and every staff	Force Policy (No. 10.2.15) at 10 (Sec. II(G)(3)
17		member present must ensure that all other	(emphasis in original)).
18		stages of the continuum-of-force have been " <u>fully</u> exhausted" before making a	
19		decision to use the chemical agent.	
20	20.	GEO policy requires the staff member deploying the OC spray to (1) verbally	Ex. H, GEO Group Use of Force Policy (No. 10-2.15)
21		warn the detainee that they will be	at 9 (Sec. II(G)).
22 23		spraying, and (2) warn the detainee about the effects of the chemical agent.	
24	21.	Officers must stand at least five feet away	Ex. 1, GEO Group Use of
25		from the target detainee(s) when they are deploying OC spray.	Force Training Presentation, Slide 35.
26	22.	Lt. Diaz and Sgt. Campos both deployed	Defendants' Exhibit "G"
27		OC spray in the dayroom of 2-Charlie on the morning of June 12, 2017.	[Serious Incident Report, notification and emails to
28			

1			GEO Corporate] at 7, 9.
2 3 4 5	23.	Lt. Diaz did not contact the Facility Administrator (or his designee) to receive authorization before using OC spray on June 12, 2017.	Ex. 16, Lt. Diaz Dep. 219:4-220:7.
6 7 8	24.	Sgt. Campos did not contact the Facility Administrator (or his designee) to receive authorization before using OC spray on June 12, 2017. He deployed the spray within a minute of entering the room.	Ex. 14, Sgt. Campos Dep. 51:18-20, 51:25-52:3.
9 10 11 12 13 14 15	25.	No GEO staff member present on June 12, 2017 ever warned Plaintiffs about the effects of the chemical agent prior to Lt. Diaz's deployment of the OC spray.	Ex. 20, GEO Martinez Dep. 90:5-25, 96:7-21; Ex. 28, Mejia Dep.72:14-23; Ex. 25, Cornejo Dep. 47:18-48:11; Ex. 23, Castillo Dep. 82:17-83:5, 84:4-6, 84:18-85:15, 142:24-143:7, 142:24-143:7; Ex. 27, Martinez Dep. 90:24-91:11.
16 17	26.	There is no evidence that Plaintiffs had ever seen OC spray deployed at the Facility before June 12, 2017.	Ex. 20, GEO Martinez Dep. 96:7-21.
18 19 20	27.	Before June 12, 2017, none of the Plaintiffs had ever been sprayed with OC spray at the Facility.	Ex. 28, Mejia Dep 74:5-8.
21 22 23 24	28.	Lt. Diaz deployed her OC spray at Plaintiffs from a distance of approximately one foot.	Ex. 27, Martinez Dep. 93:10-20; Ex. F, [Video, Views C-3 and C-1] at 06:37:24 a.m. to 6:38:15 a.m.
25 26 27 28	29.	Sgt. Campos deployed his OC spray at Plaintiffs from very close range, less than five feet away.	Ex. F, [Video, View C-3] at 06:46:45 a.m. to 6:47:23 a.m.

30.	Sgt. Campos was not aware that spraying at three feet was out of policy and was trained that he could spray at three to five feet.	Ex. 14, Sgt. Campos Dep. 16:10-12; 20-22.
31.	In fact, Sgt. Campos moved around the table to get closer to the detainees and deploy spray against the detainees.	Ex. 14, Sgt. Campos Dep. 115:15-24.
32.	Medical staff arrived at the same time as Lt. Diaz in case the situation escalated and there was a need for a medical evaluation.	Ex. 18, Jindi Dep. 65:10-23; Ex. 21, Jones Dep. 85:2-22, 87:6-11; Ex. F, [Video,
		View C-4] at 06:32:52 a.m. to 6:33:07 a.m.
33.	Officer Jindi announced that it was time to prepare for count at 6:30 a.m.	Ex. 5, Logbook at 3. Ex. 18, Jindi Dep. 40:6-16.
34.	From the time Officer Jindi announced prep for count, Plaintiffs had a 10-minute grace period to return to their bunks before count might begin. During that time, as seen in the video, other detainees were still wandering around the dorm and at least one detainee was in the showers.	Ex. 18, Jindi Dep. 40:17-20; Ex. F, [Video, View C-3] at 06:32:58.
35.	Per GEO policy, the dorm officer cannot begin count until the utility officer is present in the dorm.	Ex.18, Jindi Dep. 21:3-21; Ex. 16, Lt. Diaz Dep. 302:24-303:12.
	Processor and the desired	002.2 . 000.12.
36.	Although Lt. Diaz was told multiple times	Ex. 16, Lt. Diaz Dep.
	that Plaintiffs announced they were going on a hunger strike, she never considered calling medical staff.	201:24-202:16.
37.	When Lt. Diaz entered the dorm, she was carrying a copy of Plaintiffs' letter. In	Ex. 16, Lt. Diaz Dep. 321:17-19 Ex. F, [Video,
	carrying a copy of Flamulis letter. In	321.17-19 Ex. F, [Viue0,

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1 2 3		addition, Plaintiffs had copies of their written demands on the table in front of them.	Views C-2 and C-3] at 06:33:22 a.m. to 6:33:29 a.m.
5	38.	Lt. Diaz entered the dorm with her OC spray canister in her right hand.	Ex. 16, Lt. Diaz Dep. 319:2-24.
6 7 8	39.	Lt. Diaz immediately began yelling at the detainees in English.	Ex. 21, Jones Dep. 98:6- 99:6; Ex. 16, Reyes Dep. 80:7-11; Ex. 28, Mejia Dep. 71:5-15.
9 10 11	40.	Lt. Diaz does not speak any Spanish.	Ex. 16, Lt. Diaz Dep. 39:12-13; Ex. 20, GEO Martinez Dep. 71:6-9.
12 13 14 15	41.	Only one officer was present who spoke any Spanish to the detainees the morning of June 12, 2017, Officer Martinez.	Ex. 20, GEO Martinez Dep. 13:10-12, 46:18-47:7; Ex. 16, Reyes Dep. 43:7-14, 181:23-182:6, 183:25-184:6.
16 17 18 19 20 21 22	42.	Officer Martinez did not translate for Lt. Diaz, but simply told the detainees to go back to their bunks.	Ex. 20, GEO Martinez Dep. 61:1-63:19; Ex. 16, Reyes Dep., 80:7-81:8; Ex. 23, Castillo Dep. 82:17-83:5; 84:4-6, 84:18-85:15, 142:24-143:7, 143:20-144:2; Ex. 14, Sgt. Campos Dep. 91:25-92:5, 94:1-3; Ex. 30, Rodriguez Dep. 142:7-8, 144:14-18.
23 24 25 26	43.	Due to the hostility of the situation, Plaintiffs were afraid to get up from the tables where they were seated.	Ex. 30, Rodriguez Dep. 141:21-142:5, 142:13-21, 143:4-7; Ex. 23, Castillo Dep. 144:3-18; Ex. 25, Cornejo Dep. 63:24-65:2.
27 28	44.	Pursuant to GEO policy and practice, no GEO officer would have laid hands on	Ex. 16, Lt. Diaz Dep. 336:8-13; Ex. 20, GEO

	Plaintiffs on June 12, 2017 without Lt.	M. 4' D 76 20 22
	Diaz's specific directive.	Martinez Dep. 76:20-23, 78:13-15, 90:16-22.
45.	When Lt. Diaz ordered Officer Martinez to use force against Plaintiffs on June 12, 2017, he was surprised and had not expected the command.	Ex. 20, GEO Martinez Dep. 90:5-25.
46.	When Lt. Diaz ordered the GEO officers to use force on Plaintiffs, Plaintiffs posed no threat to themselves or others.	Decl. of Schwartz ¶¶6,7 (incorporating Expert Report).
47.	When Lt. Diaz ordered the GEO officers to use force on Plaintiffs, there was no major or serious disturbance within 2-Charlie.	Decl. of Schwartz ¶¶ 6, 7 (incorporating Expert Report); Ex. 10, McCusker Dep. 42:22-44:19, 46:17-19.
48.	When Lt. Diaz deployed OC spray at Plaintiffs, Plaintiffs posed no threat to themselves or others.	Decl. of Schwartz ¶¶ 6, 7 (incorporating Expert Report).
49.	When Lt. Diaz first deployed OC spray at Plaintiffs, there was no major or serious disturbance within 2-Charlie.	Decl. of Schwartz ¶¶ 6, 7 (incorporating Expert Report); Ex. 10, McCusker Dep. 42:22-44:19, 46:17-19.
50.	There was no justification under GEO policy, the PNBS, or generally accepted correctional practices for Lt. Diaz or Sgt. Campos to deploy OC spray at Plaintiffs.	Decl. of Schwartz ¶¶ 6, 7 (incorporating Expert Report).
51.	Officer Reyes testified that he and his partner were able to get detainees away from the table using pressure points and by pulling them.	Ex. 16, Reyes Dep. 168:6-11, 168:21-169:1.
52.	The uncontroverted video evidence shows that Plaintiffs only began to link arms once force was used on them by the GEO officers.	Ex. F, [Video, Views C-1 and C-3] at 06:37:55 a.m. to 6:38:13 a.m.
	46. 47. 48. 49.	to use force against Plaintiffs on June 12, 2017, he was surprised and had not expected the command.  46. When Lt. Diaz ordered the GEO officers to use force on Plaintiffs, Plaintiffs posed no threat to themselves or others.  47. When Lt. Diaz ordered the GEO officers to use force on Plaintiffs, there was no major or serious disturbance within 2-Charlie.  48. When Lt. Diaz deployed OC spray at Plaintiffs, Plaintiffs posed no threat to themselves or others.  49. When Lt. Diaz first deployed OC spray at Plaintiffs, there was no major or serious disturbance within 2-Charlie.  50. There was no justification under GEO policy, the PNBS, or generally accepted correctional practices for Lt. Diaz or Sgt. Campos to deploy OC spray at Plaintiffs.  51. Officer Reyes testified that he and his partner were able to get detainees away from the table using pressure points and by pulling them.  52. The uncontroverted video evidence shows that Plaintiffs only began to link arms once force was used on them by the GEO

1 2 3 4	53.	Plaintiffs were shocked by the GEO officers' reaction and scared that if they got up the other Plaintiffs would be more drastically punished.	Ex. 24, Campos Dep. 92:3-93:3, 94:6-7, 96:6-17, 97:8-12, 103:11-20, 105:1-7.
5 6 7	54.	Plaintiff Martinez testified that Lt. Diaz approached him while he was seated at the table, stretched out her arm, and sprayed him.	Ex. 27, Martinez Dep. 90:24-91:11, 93:10-20.
8 9 10	55.	GEO officers grabbed Plaintiff Martinez and injured him while doing so.	Ex. 27, Martinez Dep. 94:15-95:5; Ex. 49, Decl. of Hussain Turk (documenting Plaintiff Martinez's injuries after the incident).
11 12 13 14	56.	Plaintiff Rodriguez, who was seated next to Plaintiff Martinez, likewise testified that Lt. Diaz initially sprayed the OC spray three or four times.	Ex. 30, Rodriguez Dep. 145:24-25, 152:12-24.
15 16 17 18 19 20	57.	The video evidence shows Lt. Diaz aiming her OC canister at Plaintiffs while they were being restrained by the group of officers, and Plaintiffs visibly responding to the OC spray.	Ex. F, [Video, Views C-1 and C-3] at 6:38:04 to 6:38:28; Ex. 27, Martinez Dep. 90:24-91:11, 93:10-20; Ex. 28, Mejia Dep. 75:19-76:13. Ex. 23, Castillo Dep. 91:13-3; Ex. 30, Rodriguez Dep. 152:12-24.
21 22	58.	GEO officers hit Plaintiff Rodriguez in the ribs.	Ex. 30, Rodriguez Dep. 145:24-25.
<ul><li>23</li><li>24</li><li>25</li></ul>	59.	After handcuffing Plaintiff Rodriguez, GEO officers forcefully lifted Plaintiff Rodriguez's arms up behind his back, injuring his shoulders.	Ex. 30, Rodriguez Dep. 153:2-4.
<ul><li>26</li><li>27</li><li>28</li></ul>	60.	After handcuffing Plaintiff Rodriguez, GEO officers walked him to the basketball court. While en route, they twice pushed	Ex. 30, Rodriguez Dep. 109:24-110:7, 130:19-25, 171:22-24, 172:8-12.

1 2		him forward, causing his face to slam into the wall.	
3 4	61.	When Plaintiff Rodriguez was finally seen by a medical professional after the	Ex. 30, Rodriguez Dep. 176:17-20.
5 6		incident, he tried to communicate to the nurse that his ears and head were injured and he had scratches on his arm.	
7 8	62.	Nurse Jones only noted that he had an abrasion on his left ear.	Ex. 7, Medical Reports at 6.
9	63.	Plaintiff Martinez's nose was broken as a result of the incident.	Ex. 22, Medrano Dep. 93:9- 15.
11	64.	After being sprayed with OC spray at close range, Plaintiff Martinez was	Ex. 27, Martinez Dep. 93:10-96:8, 99:19-100:17.
12 13		grabbed and mistreated by two officers as they dragged him out of the dorm with his arms behind his back. The officers	
14 15		slammed him against the wall in the hallway, knocking out his tooth and dental crown.	
16 17 18 19 20 21	65.	Officer Martinez could not remember whether he or anyone else had given Plaintiff Martinez any verbal commands.	Ex. 20, GEO Martinez Dep. 74:15-21, 75:13-76:7, 76:20-77:19, 78:2-7; Ex. 17, Gillon Dep. 164: 23-165:3, 166:22-167:1 (could not remember whether he gave more than one command to "get up" at this point).
22 23 24	66.	Officer Martinez also testified that he had not tried to use "pressure points" on Plaintiff Martinez before attempting to	Ex. 20, GEO Martinez Dep. 74:15-21, 75:13-76:7, 76:20-77:19, 78:2-7; Ex. 17,
25 26 27		remove him from the table.	Gillon Dep. 164: 23-165:3, 166:22-2 (could not remember whether he gave more than one command to "get up" at this point).
28			get up at this point).

1 2 3	67.	Plaintiffs were unable to understand the GEO officers' commands. Plaintiffs were not given commands in Spanish.	Ex. 23, Castillo Dep. 79:21-80:9, 144:3-18; Ex. 24, Campos Dep. 91:25-92:5,
4 5			94:1-3; Ex. 30, Rodriguez Dep. 144:14-18.
6	68.	After the incident, Sgt. Campos falsely	Ex. 4, General Incident
7		reported that he observed Plaintiffs "being combative" and "striking staff with	Reports at 10; Ex. 16, Lt. Diaz Dep. 254:10-258:9.
8		elbows" as a partial justification for his use of OC spray. Lt. Diaz did not	
9		document that in any reports, but testified	
10		to that effect at her deposition. That claim is not supported by any evidence,	
11 12		including any of the reports authored by the GEO officers involved in the incident.	
13 14	69.	Plaintiffs deny having struck or elbowed any GEO officers at any time.	Ex. 27, Martinez Dep. 74:4-21.
15 16 17 18	70.	An assault on an officer by a detainee is an incredibly serious offense. It would most certainly result in discipline at the Facility, if not an arrest by the San Bernardino County Sheriff's Office and the imposition of criminal charges.	Ex. 16, Lt. Diaz Dep. 160:13-162:8, 254:10- 258:9; Decl. of Schwartz (incorporating Expert Report at 13-14).
19 20	71.	No Plaintiff was written up for, or disciplined for, an assault on an officer.	Ex. 2, Plaintiffs' Segregation Orders.
21	72.	When Plaintiff Martinez was being	Ex. 27, Martinez Dep.
22	, 2.	dragged away from the tables, he tried to	102:1-5.
23		hold on to his friend because he could not see and was in pain from the OC spray.	
24	73.	Plaintiff Martinez's medical records	Ex. 7, Medical Reports at 3.
25		demonstrate that immediately after the	_
26		incident, he complained of a missing tooth and injured right shoulder.	
27	74.	At the time, Plaintiff Martinez could not	Ex. 27, Martinez Dep.
28		1	

1 2 3			feel the pain in his nose due to the overwhelming burning sensation caused by the OC spray.	102:1-16.
4 5 6 7 8	_	75.	GEO officers pulled, pushed, and hit Plaintiff Garcia - including in the ribs - after he was blinded by the OC spray, and they pushed him against a wall, causing him to bang his head. He was also pushed against a wall a second time in the hallway, after being handcuffed.	Ex. 29, Garcia Dep. 45:19-24; 47:1-10.
9 10	_	76.	Plaintiff Garcia had marks on his body from the GEO officers' use of force.	Ex. 29, Garcia Dep. 47:2- 10.
11 12 13 14	_	77.	GEO officers threw Plaintiff Campos to the ground after he was subjected to OC spray and prevented him from using his hands to try to wipe the OC spray from his face.	Ex. 24, Campos Dep. 106:20-107:2; Ex. F, [Video, Views C-1 and C-3] at 6:47:09 to 6:47:56.
15 16 17		78.	One GEO officer violently put Plaintiff Campos against the wall, bending Campos's right arm and injuring his shoulder.	Ex. 24, Campos Dep. 108:3-12.
18 19 20		79.	A second GEO officer grabbed Plaintiff Campos's stomach and a third grabbed one of his feet, forcing him to hop on one foot.	Ex. 24, Campos Dep. 108:15-19.
21 22		80.	Lt. Diaz deployed OC onto Plaintiff Mejia's face and shoulders.	Ex. 28, Mejia Dep. 76:16-77:4, 77:10-79:13.
<ul><li>23</li><li>24</li><li>25</li><li>26</li></ul>		81.	After Lt. Diaz deployed OC spray onto Plaintiff Mejia, GEO officers hit him on his ribs and behind his ears and twisted his arms backwards painfully before taking him away from the table.	Ex. 28, Mejia Dep. 76:16-77:4, 77:10-79:13.
27		82.	Two GEO officers and Sgt. Campos	Ex. F, [Video, Views C-1
28				

1 2 3		shoved Plaintiff Mejia into a wall, where the right side of his face hit the wall.	and C-3] at 6:46:18 to 6:46:22; Ex. 28, Mejia Dep. 81:17-82:24.
4	83.	In removing Plaintiff Castillo from the	Ex. 23, Castillo Dep. 88:12-
5		table, two GEO officers punched him in the ribs with closed fists and a third GEO	89:10, 89:15-24.
6		officer leaned over the other side of the	
7		table and dug her nails in the back of his ears.	
8	84.	After Plaintiff Castillo was carried away	Ex. 23, Castillo Dep. 96:8-
9		from the table, he was taken near the stair	96:21; Ex. F, [Video, View
10		railing and thrown against glass, injuring his face.	C-3] at 06:46:23 a.m. to 06:46:54 a.m
11	85.	The officers did not tell Plaintiff Cornejo	Ex. 25, Cornejo Dep. 68:16-
12		why they were pulling him or what they	69:14.
13	0.5	wanted him to do in response.	
14	86.	Plaintiff Cornejo was not resisting and was merely sitting at the table, trying to	Ex. F, [Video, View C-1, C-3, and C-4] 6:47:09-
15 16		clean his face with his shirt and protect himself from the overwhelming amount of	6:47:24.
17		pepper spray that Sgt. Campos had just	
18		directly sprayed on him.	
19	87.	While GEO guards were pulling at Plaintiff Cornejo, they hit his abdomen	Ex. 25, Cornejo Dep. 73:25-75:11.
20		against the table edge multiple times and	73.11.
21		then threw him on the ground, causing him to bleed from his abdomen and	
22		injuring his knee and shoulder.	
23	88.	After Plaintiff Diaz was sprayed in the	Ex. 26, Diaz Dep. 58:15-
24		face with OC spray he got up screaming, blinded by the spray that had gone into his	59:8.
25		eyes and mouth.	
26	89.	GEO guards dug their nails behind	Ex. 26, Diaz Dep. 55:9-
27		Plaintiff Diaz's ears, dug their nails into his hand, squeezed painfully between his	56:5, 57:6-10.
28		The same of the sa	

1 2 3		thumb and pointer finger, and pinched and pulled the skin on his sides near his ribs.	
4 5	90.	GEO officers injured Plaintiff Diaz as they removed him from the table, hurting his arms before handcuffing him.	Ex. 26, Diaz Dep. 59:12-17.
6 7 8	91.	All Plaintiffs were handcuffed and taken to the recreation yard.	Lt. Diaz Dep. 237:14-17, 238:6-10; Ex. 23, Castillo Dep. 95:8-96:21, 102:1-6; Ex. 28, Mejia Dep. 83:2-3
9 10 11 12	92.	GEO policy states that hard restraints (i.e., steel handcuffs) shall be used only after soft restraints prove (or have previously proven) ineffective.	Ex. H, GEO Group Use of Force Policy (No. 10.2.15), at 1 (Sec. II(A)(8).
13 14	93.	GEO policy requires staff to document their attempt(s) to use soft restraints prior to hard restraints in a use of force report.	Ex. H, GEO Group Use of Force Policy (No. 10.2.15), at 2 (Sec. II(A)(13).
15 16 17	94.	On June 12, 2017, Lt. Diaz directed the GEO officers to handcuff Plaintiffs without first directing them to use soft restraints.	Lt. Diaz Dep. 237:14-17, 238:6-10; Ex. 23, Castillo Dep. 95:8-96:21, 102:1-6; Ex. 28, Mejia Dep. 83:2-3.
18 19 20	95.	The Use of Force report Lt. Diaz authored regarding the June 12, 2017 force incident made no mention of any attempt by any staff member to use soft restraints.	Ex. B, Diaz Use of Force Report.
21 22 23 24 25	96.	GEO policy requires the Facility Administrator's approval for the continued use of restraints (i.e., handcuffs), if they are considered necessary, after a detainee is under control.	Ex. H, GEO Group Use of Force Policy (No. 10.2.15), at 2 (Sec. II(A)(13).
26	97.	GEO policy and practice requires that handcuffs be removed from a detainee as	Ex. 16, Lt. Diaz Dep. 244:10-13.
27 28		soon as the imminent danger is over.	

98.	Following the incident in the dayroom, Plaintiffs were kept in handcuffs for several hours, including while they were undisputedly "under control" in a cell, without any GEO staff member seeking the Facility Administrator's approval.	Ex. 23, Castillo Dep. 102:13-103:6, 104:18- 105:10; Ex. 28, Mejia Dep. 87:4-8; Ex. 25, Cornejo Dep. 75:12-15; 75:23-25, Ex. 27, Martinez Dep. 59:1- 60:11; Ex. 29, Garcia Dep. 48:21-25; Ex. 30, Rodriguez Dep. 112:12-22; Ex. 24, Campos Dep. 127:16-19.
99.	Not only did Lt. Diaz not seek the Facility Administrator's approval to keep Plaintiffs handcuffed after they were undisputedly "under control," but she also did not monitor whether or when Plaintiffs' handcuffs were removed.	Ex. 16, Lt. Diaz Dep. 244:10-18, 258:16-259:14; 274:17-21, 275:16-276:25, 277:12-17, 277:25-278:23.
100.	Plaintiffs were kept in handcuffs until at least 3:00PM or 3:30PM.	Ex. 16, Lt. Diaz Dep. 277:25-278:12.
101.	On June 12, 2017, GEO policy required that its staff videotape all calculated use of force incidents.	Ex. H, GEO Use of Force Policy (No. 10.2.15), at 12 (Sec. II(J)(3)); Ex. 1, GEO Use of Force Training Presentation, Slides 44-56; Ex. 10, McCusker Dep. 54:8-17.
102.	On June 12, 2017, GEO policy required that its staff videotape all spontaneous or unanticipated use of force incidents as soon as possible and specifically set forth that once control of the situation had been obtained, staff were to record information about injuries, a description of the circumstances that gave rise to the need for immediate use of force, and the identification of the detainees, staff and others involved.	Ex. H, GEO Use of Force Policy (No. 10.2.15), at 12-13 (Sec. II(J)(3)); Ex. 1, GEO Use of Force Training Presentation, Slides 44-56; Ex. 10, McCusker Dep. 54:8-17.
	99.	Plaintiffs were kept in handcuffs for several hours, including while they were undisputedly "under control" in a cell, without any GEO staff member seeking the Facility Administrator's approval.  99. Not only did Lt. Diaz not seek the Facility Administrator's approval to keep Plaintiffs handcuffed after they were undisputedly "under control," but she also did not monitor whether or when Plaintiffs' handcuffs were removed.  100. Plaintiffs were kept in handcuffs until at least 3:00PM or 3:30PM.  101. On June 12, 2017, GEO policy required that its staff videotape all calculated use of force incidents.  102. On June 12, 2017, GEO policy required that its staff videotape all spontaneous or unanticipated use of force incidents as soon as possible and specifically set forth that once control of the situation had been obtained, staff were to record information about injuries, a description of the circumstances that gave rise to the need for immediate use of force, and the identification of the detainees, staff and

103.	On June 12, 2017, GEO required two staff members (at a minimum) to be designated as "camera operators" on their shift.	Ex. H, GEO Use of Force Policy (No. 10.2.15), at 15 ("Video Taping Procedures"); Ex. 1, GEO Use of Force Training Presentation, Slide 47.
104.	On June 12, 2017, GEO required staff to request video equipment "any time an employee expects a confrontational situation."	Ex. 1, GEO Use of Force Training Presentation, Slide 47.
105.	On June 12, 2017, GEO required staff to request video equipment "as soon as possible after an unexpected confrontational situation arises."	Ex. 1, GEO Use of Force Training Presentation, Slide 47.
106.	At no time on June 12, 2017, did Lt. Diaz request video equipment or direct any of the officers she designated as camera operators to record anything relating to Plaintiffs or the use of force.	Ex. 16, Lt. Diaz Dep. 241:13-15; Ex. 20, GEO Martinez Dep. 35: 25- 34:11, 41:14-21.
107.	Lt. Diaz's reasons for not directing a camera operator to record the incident on June 12, 2017 because it was an "emergency" and because there were surveillance cameras in the facility that may have recorded what occurred are not supported by any GEO policy or training.	Ex. 16, Lt. Diaz Dep. 241:13-242:17; Ex. H, GEO Use of Force Policy (No. 10.2.15), at 12-13 (Sec. II(J)(3)); Ex. 1, GEO Use of Force Training Presentation, Slides 44-56; Ex. 10, McCusker Dep. 54:8-17.
108.	Lt. Diaz stated that a rebellion was occurring that warranted a major use of force under Geo Group's policy.	Ex. 16, Lt. Diaz Dep. 348:6-18.
109.	Sgt. Campos believed that when even a small group gave "no compliance", that was a rebellion.	Ex. 14, Sgt. Campos Dep. 141:22-142:3, 142:10-18.
110.	Sgt. Campos never received any training	Ex.14, Sgt. Campos Dep.
	104. 105. 106. 107.	as "camera operators" on their shift.  104. On June 12, 2017, GEO required staff to request video equipment "any time an employee expects a confrontational situation."  105. On June 12, 2017, GEO required staff to request video equipment "as soon as possible after an unexpected confrontational situation arises."  106. At no time on June 12, 2017, did Lt. Diaz request video equipment or direct any of the officers she designated as camera operators to record anything relating to Plaintiffs or the use of force.  107. Lt. Diaz's reasons for not directing a camera operator to record the incident on June 12, 2017 because it was an "emergency" and because there were surveillance cameras in the facility that may have recorded what occurred are not supported by any GEO policy or training.  108. Lt. Diaz stated that a rebellion was occurring that warranted a major use of force under Geo Group's policy.  109. Sgt. Campos believed that when even a small group gave "no compliance", that was a rebellion.

$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$		on what a "rebellion" was.	81:24-82:2.
3 4 5 6 7	111.	After Plaintiffs were taken out of the day room, GEO staff found that there was so much OC spray in the dormitory areas – comprising four large rooms adjacent to the day room, spanning two stories and two wings – that they had to evacuate all staff and detainees so that it could be	Ex. 18, Jindi Dep. 54:10-21.
8 9 10 11 12	112.	decontaminated.  The detainees who were not involved in the use of force and who were simply in the dormitory area during the incident were also examined by medical staff when they were evacuated to the yard.	Ex. 18, Jindi Dep. 56:6-12; Ex. 4, General Incident Reports at 2.
13 14	113.	Those 90 detainees were counted in the recreation yard, the count cleared without issue, and Plaintiffs were "out counted."	Ex. 4, General Incident Reports at 2; Ex. 5, Logbook at 3.
15 16 17	114.	Officer Jindi testified that she had to go out to the yard so she could breathe and further testified that "everyone was coughing."	Ex. 18, Jindi Dep. 52:18-23, 55:18-24.
18 19 20 21 22	115.	On June 12, 2017, GEO required that following the use of a chemical agent, the exposed detainee(s) had to receive a medical examination "as soon as possible after the chemical agent has been used, but not to exceed one hour after the first exposure."	Ex. 1, GEO Use of Force Training Presentation, Slide 51.
<ul><li>23</li><li>24</li><li>25</li><li>26</li></ul>	116.	On June 12, 2017, all Plaintiffs were forced to wait at least 2 ½ hours (and some more than 3 hours) after they were exposed to OC spray before they received any sort of medical examination.	Ex. 7, Medical Reports; Ex. 21, Jones Dep. 176:11-15, 177:18-25, 205:25-206:3.
27 28	117.	Plaintiffs, nine men, were placed in a cell	Ex. 23, Castillo Dep.

1 2		with a sign indicating a maximum occupancy of three (3) while they waited	101:16-20, 102:5-21.
3		to be seen by medical staff.	
4			
5	118.	Plaintiffs were forced to shower in hot water, while fully clothed and drenched in	Decl. of Venters (incorporating Expert
6		pepper spray, and handcuffed, contrary to	Report at 5-6). Ex. 19,
7		accepted practices.	Juarez Dep. 43:15-17; 45:7- 46:13; Ex. 25, Cornejo Dep.
8			77:2-78:24, 80:9-13, 80:25-
9			81:6; Ex. 30, Rodriguez Dep. 112:13-113:4; Ex. 23,
10 11			Castillo Dep. 104:18-106:7; Decl. of Castillo ¶ 4.
12	119.	Some Plaintiffs, after seeing the extreme	Ex. 27, Martinez Dep. 55:6-
13		pain their friends were suffering in the hot water, refused to shower.	25; Ex. 28, Mejia Dep. 90:9-92:4; Ex. 29, Garcia
14		water, refused to shower.	Dep. 48:15-20.
15	120.	Plaintiffs were not given new clothing to	Ex. 23, Castillo Dep.
16		wear until after they were seen by medical staff and after they were taken to the	104:18-106:7; Ex. 25, Cornejo Dep. 81:15-82:17;
17		showers on June 12, 2017.	Ex. 24, Campos Dep. 128:7-10; Ex. 30,
18			Rodriguez Dep. 158:15-18,
19			162:13-16; Ex. 29, Garcia
20			Dep. 48:16-25; Ex. 26, Diaz Dep. 88:14-21.
21	121.	At Lt. Diaz's deposition, she was shown	Ex. 16, Lt. Diaz Dep.
22		the video evidence and given the	342:4-23, 343:23-345:25,
23		opportunity to identify when she deployed OC spray. She identified three times when	346:1-15, 353:3-12.
24		she either possibly sprayed Plaintiffs or	
25		definitively stated she did. She first testified that it was possible that she	
26		deployed OC spray between	
27		approximately 06:38:41-45, before ultimately concluding she did not recall.	
28			

1		She next testified definitively that she	
$\begin{bmatrix} 2 \\ 2 \end{bmatrix}$		sprayed the table where Plaintiffs were sitting at 06:39:21. Immediately after that	
3 4		testimony, her counsel took a break and,	
5		upon their return, Lt. Diaz asked to "revise" her testimony to state that she did	
6		not deploy OC spray at that time. Lt. Diaz then testified that the "one time" she	
7		sprayed the Plaintiffs was at 06:42:25.	
8	122.	Lt. Diaz and Sgt. Campos were required,	Ex. 16, Lt. Diaz Dep.
9		per GEO policy, to weigh their OC canisters every shift upon retrieving them	143:7-144, 146:8-19, 147:8- 12; Decl. of Schwartz
10		from the safe where they were kept and	(incorporating Expert
11		before returning them to the safe at the end of every shift, and to record the	Report at 17).
12		weights on a log.	
13	123.	The document logging the weight of each canister were maintained in the same,	Ex. 16, Lt. Diaz Dep. 146:8-19.
14		secured safe as the canisters.	140.8-19.
15	124.	The safe containing the OC spray	Ex. 16, Lt. Diaz Dep.
16 17		canisters and the weight log was in the watch commander's office and required a	145:10-20.
18		code to open.	
19	125.	Lt. Diaz carried OC spray on her at all	Ex. 16, Lt. Diaz Dep.
20		times when she worked shifts at Adelanto Detention Facility.	145:7-9.
21	126.	Lt. Diaz did not weigh the OC canisters	Ex. 16, Lt. Diaz Dep.
22		every day, only "frequently".	145:7-146:4.
23	127.	Lt. Diaz does not recall whether she	Ex. 16, Lt. Diaz Dep.
24		weighed the OC canister that she checked out on the morning of June 12, 2017.	146:5-7.
25	128.	-	Ex. 40, GEO's
26		documenting the weights of the OC	Supplemental Response to
27		canisters Lt. Diaz or Sgt. Campos used on June 12, 2017.	Plaintiffs' Request for Production No. 79.
28			<u>l</u>

1 2 3	129.	As required by GEO, the officers that were involved in the June 12, 2017 incident wrote General Incident Reports, including all relevant details.	Ex. 16, Lt. Diaz Dep. 101:2-20; Ex. 4, General Incident Reports.
4 5 6 7	130.	Officer Gillon's General Incident Report, which he completed following the incident, confirms that he learned of the hunger strike when Plaintiffs gave him their letter.	Ex. 4, General Incident Reports at 1.
8 9 10	131.	Lt. Diaz signed an order placing Plaintiffs in administrative segregation.	Ex. 16, Lt. Diaz Dep. 243:10-20, 262:11-263:17; Ex. 2, Plaintiffs' Segregation Orders.
11 12 13 14 15 16 17 18 19 20 21 22	132.	Plaintiffs were not given an opportunity to be present at their disciplinary hearings. Instead, Plaintiffs remained in "administrative" segregation and were later informed of the outcome of the investigation, including the order that they remain in disciplinary segregation for 10 days.	Ex. 27, Martinez Dep. 154:12-21; Ex. 28, Mejia Dep. 161:19-163:5; Ex. 23, Castillo Dep. 111:25-112:5 (unaware of any disciplinary hearing and could not recall attending one); Ex. 25, Cornejo Dep. 86:19-20, 87:5-19, 88:12-89:9, (spoke to an officer about a disciplinary investigation, but not during a hearing) Ex. 26, Diaz Dep. 92:14-23; Ex. 29, Garcia Dep. 56:2-4; Ex. 30, Rodriguez Dep. 157:9-16.
23 24 25 26 27 28	133.	After Plaintiffs were placed in segregation, GEO staff blocked telephone numbers that Plaintiffs regularly contacted, including attorneys, family, friends, and advocates.	Ex. 41, Nicole Ramos Letter; Ex. 42, Belt Voicemail; Ex. 27, Martinez Dep. 157:4-8, 158:2-159:3; Ex. 43, Martinez Kites; Ex. 44, Martinez Audio Recording;

1 2			Ex. 26, Diaz Dep. 93:24- 95:5, 99:19-22; Ex. 23,
3   4			Castillo Dep. 22:1-23:10, 112:23-113:19; Ex. 45,
5			Blocked Numbers; Ex. 25, Cornejo Dep. 94:4-11, 94:16-95:11, 97:2-6, 97:21-
6			98:6, 99:11-13, 100:11-13.
7	134.	Just prior to this incident, during the	Ex. 5, Logbook at
8		overnight shift that began on June 11, 2017 and ended on the morning of June	GEO05199.
9		12, 2017, it took one hour and twenty-one	
10		minutes to clear count at the Facility. The evidence demonstrates that count was	
11		ultimately cleared without discrepancies or an emergency declaration. No	
13		evidence indicates that ICE was notified	
14		of the delay.	
15	135.	Plaintiff Castillo now feels nervous whenever he sees law enforcement	Ex. 23, Castillo Dep. 117:6- 19; Ex. 36, Castillo Resp.,
16		officers or someone in uniform, his heart races, he feels faint, and it brings back	Interrogatory No. 11.
17		memories of when he was detained and	
18		mistreated by GEO officers.	
19	136.	Plaintiff Castillo continues to have nightmares that cause him to lose sleep.	Ex. 23, Castillo Dep. 117:21-118:15, 120:19-23,
20		ingilitation that eause min to lose sleep.	121:1-14.
21	137.		Ex. 23, Castillo Dep.
22		engage in certain hobbies like he did before, such as walking or driving	123:21-25, 124:8-21.
23 24		peacefully, without fearing law	
25		enforcement or people that represent the law, like GEO officers.	
26	138.	To this day, Plaintiff Cornejo remembers	Ex. 25, Cornejo Dep. 111:5-
27		seeing and hearing his friends crying in pain from this incident and recalls feeling	112:3; Ex. 38, Cornejo Resp., Interrogatory No. 11.
28		pain from and meldent and recans reching	теор., инсподиоту 110. 11.
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1		helpless and defenseless.	
2 3 4 5	139.	Plaintiff Cornejo recalls this being a very difficult time in his life and he thinks about this often. It is very upsetting and the memories come back to him repeatedly and frequently.	Ex. 25, Cornejo Dep. 111:5-111:23; Ex. 38, Cornejo Resp., Interrogatory No. 11.
6 7	140.	Following the incident, Plaintiff Campos felt traumatized, afraid, and depressed.	Ex. 24, Campos Dep. 170:22-171:8, 177:1-23.
8 9 10 11	141.	While detained at Adelanto after the incident, Plaintiff Campos would feel nervous every time he saw GEO officers. He would start shaking and his hands would start to sweat.	Ex. 24, Campos Dep. 181:10-18.
12 13 14 15	142.	Plaintiff Campos continues to suffer from stress and anxiety as a result of this incident, which causes him headaches.  The stress and anxiety cause him headaches.	Ex. 24, Campos Dep. 170:22-171:8, 176:9-25; Ex. 37, Campos Resp., Interrogatory No. 11.
16 17 18	143.	Plaintiff Campos also continues to feel depressed as a result of this incident and no a daily basis, he struggles sleeping at night.	Ex. 24, Campos Dep. 178:9-22.
19 20	144.	Plaintiff Diaz has recurring nightmares as a result of this incident which cause him to wake up screaming and feeling scared.	Ex. 26, Diaz Dep. 101: 9-14, 103:10-12.
21 22	145.	Plaintiff Diaz also suffers from headaches as a result of this incident.	Ex. 26, Diaz Dep. 101: 9-14.
<ul><li>23</li><li>24</li><li>25</li></ul>	146.	Plaintiff Mejia suffers from anxiety as a result of this incident and on a daily basis, he worries that if he were detained he would be physically attacked again.	Ex. 33, Mejia Resp., Interrogatory No. 11.
<ul><li>26</li><li>27</li><li>28</li></ul>	147.	Plaintiff Martinez experienced emotional distress when he was harmed by the guards during the incident and while he	Ex. 27, Martinez Dep. 161:21-162:2, Ex. 34, Martinez Resp.,

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$\frac{1}{2}$			was restricted in the segregation unit.	Interrogatory No. 11.
2 3 4		148.	Plaintiff Martinez continues to think about this incident frequently and fears that he will be detained again.	Ex. 34, Martinez Resp., Interrogatory No. 11.
5 6		149.	Plaintiff Martinez has had difficulty sleeping because he lies awake at night thinking about this incident.	Ex. 27, Martinez Dep. 165:1-168-5.
7 8		150.	Plaintiff Garcia felt angry and distressed after the incident.	Ex. 32, Garcia Resp., Interrogatory No. 11.
9 10 11 12		151.	Plaintiff Garcia felt alone while he was in segregation and was shocked by the brutal treatment that he received during the incident because he thought the United States was the land of freedom.	Ex. 32, Garcia Resp., Interrogatory No. 11.
13 14		152.	Plaintiff Garcia still things about this incident frequently which cause him nightmares and difficulty sleeping.	Ex. 29, Garcia Dep. 72:1-4; Ex. 32, Garcia Resp., Interrogatory No. 11.
15 16 17		153.	When he thinks of this incident, Plaintiff Garcia's heart starts racing and he feels afraid of being detained again.	Ex. 32, Garcia Resp., Interrogatory No. 11.
18 19		154.	Plaintiff Rodriguez has difficulty sleeping, and continues to suffer from stress and anxiety as a result of this incident.	Ex. 35, Rodriguez Resp., Interrogatory No. 11.
20   21   22		155.	Plaintiff Rodriguez has ongoing headaches and feelings of depression.	Ex. 35, Rodriguez Resp., Interrogatory No. 11.
22 23	///			
24	///  ///			
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